

## Chapter 75. Curriculum

### Subchapter AA. Commissioner's Rules Concerning Driver Education Standards of Operation for Public Schools, Education Service Centers, and Colleges or Universities

#### §75.1002. Driver Education Teachers.

- (a) To qualify to teach all phases of driver education to minors or adults and add a driver education endorsement as a specialization area on his or her current Texas teaching certificate, an individual must:
- (1) possess a bachelor's degree;
  - (2) complete six semester hours of driver education classroom, in-car, simulation, and traffic safety instruction if the individual entered driver education teacher instructor development training before January 1, 1999, or for individuals entering driver education teacher instructor development training on or after January 1, 1999, complete nine semester hours of driver education classroom, in-car, simulation, and traffic safety instruction that include, as a minimum, learning activities that focus on preparing the prospective driver educator to conduct:
    - (A) driver education classroom knowledge courses with application to classroom organization; maintaining a learning environment; developing instructional modules for the classroom, observation, and simulator training; and facilitating learning experiences;
    - (B) learning activities that develop vehicle operational skills for a novice driver with emphasis placed on laboratory organization and administration; maintaining a learning environment; developing laboratory instructional modules; and conducting learning experiences; and
    - (C) driving task analysis that includes an introduction to the task of the driver within the highway transportation system with emphasis on risk perception and management and the decision-making process;
  - (3) possess a valid Texas teaching certificate as defined by the State Board for Educator Certification;
  - (4) possess a valid Texas driver's license for the type of vehicle used for instruction; and
  - (5) not have accumulated 6 or more penalty points on a driving record during the preceding 36-month period. The school must use the standards for assessing penalty points for convictions of traffic law violations and accident involvements established under Texas Transportation Code, Chapter 708, Subchapter B. Instructors that accumulated 6 or more penalty points during the preceding 36-month period cannot be issued an endorsement until it is documented that the accumulated penalty is less than 6 points.
- (b) A fully certified teacher of driver education may be designated by the superintendent, college or university chief school official, education service center (ESC) director, or their designee assigned to manage the driver education program as a supervising teacher. A school district, an ESC, or a college or university that uses teaching assistants must designate a minimum of one driver education supervising teacher to supervise, mentor, and evaluate teaching assistants.
- (c) A student instructor may teach any practice teaching necessary for certification in the classroom phase of a driver education program under the direction and in the direct presence of a driver education teacher or supervising teacher or in accordance with the provisions of an approved alternative certification program. A student instructor may teach any practice teaching necessary for certification in the in-car phase of a driver education program under the direction and in the direct presence of a driver education teacher, supervising teacher or teaching assistant. The student instructor shall sign the student record for the training they instruct, and the driver education teacher, supervising teacher, or teaching assistant that observed the instruction shall co-sign.

**Commissioner's Rules Concerning Driver Education Standards of Operation for Public Schools, Education Service Centers, and Colleges or Universities**

- (d) Driver education instructors and student instructors shall provide training in an ethical manner so as to promote respect for the purpose and objectives of a driver education program. A driver education instructor or student instructor shall not:
  - (1) make any sexual or obscene comments or gestures while performing the duties of an instructor or give instruction or allow a student to secure instruction in the classroom or in a motor vehicle if that instructor or student is using or exhibits any evidence or effect of an alcoholic beverage, controlled substance, drug, abusable glue, aerosol paint, or other volatile chemical as those terms are defined in the Alcohol Beverage Code and the Health and Safety Code;
  - (2) falsify driver education records; or
  - (3) have accumulated 6 or more penalty points on a driving record during the preceding 36-month period. The school must use the standards for assessing penalty points for convictions of traffic law violations and accident involvements established under Texas Transportation Code, Chapter 708, Subchapter B. Instructors that accumulated 6 or more penalty points during the preceding 36-month period cannot provide instruction until it is documented that the accumulated penalty is less than 6 points.
- (e) Driver education teachers and student instructors shall not teach more than eight hours of behind-the-wheel instruction per day.

*Statutory Authority: The provisions of this §75.1002 issued under the Texas Education Code, §§7.021; 29.902; 51.308; 1001.101; 1001.1025; 1001.110; and 1001.257.*

*Source: The provisions of this §75.1002 adopted to be effective January 1, 2000, 24 TexReg 11325; amended to be effective February 26, 2009, 34 TexReg 1236; amended to be effective December 29, 2010, 35 TexReg 11630.*

**§75.1003. Teaching Assistants.**

- (a) An individual may be employed as a teaching assistant in a driver education program under the direction of a supervising driver education teacher after completing one of the following programs.
  - (1) Teaching assistant (full). An individual may be approved as a teaching assistant (full) to conduct behind-the-wheel, observation, multicar range, and simulator training instruction to minors or adults; to assist certified teachers in the classroom phase of driver education provided the instructor is present and in the room; and to serve as a temporary substitute instructor in the classroom phase of driver education for no more than 25% of a driver education classroom program by successfully completing:
    - (A) a program of study in driver education approved by the Texas Education Agency (TEA). Applications are available from the TEA that must be submitted and approved by TEA before the training program begins;
    - (B) nine semester hours of driver and traffic safety education from an approved university that are required for driver education teacher endorsement; or
    - (C) nine semester hours of driver and traffic safety education instructor training as outlined in Texas Education Code, Chapter 1001.
  - (2) Teaching assistant (in-car only). An individual may be approved as a teaching assistant (in-car only) to conduct only behind-the-wheel and observation training instruction to minors or adults by completing one of the following requirements:
    - (A) six of the nine semester hours of driver and traffic safety education required for driver education teacher certification that include learning activities that focus on preparing the prospective driver educator to conduct vehicle operational skills for a novice driver with emphasis placed on laboratory organization and administration, maintaining a learning environment, developing laboratory instructional modules, conducting learning experiences, driving task analysis that includes an introduction to the task of the driver

within the highway transportation system with emphasis on risk perception and management and the decision-making process; and driver education behind-the-wheel, observation, and traffic safety instructor development, and

- (B) six semester hours of driver and traffic safety education instructor training as outlined in Texas Education Code, Chapter 1001.
- (b) The TEA shall conduct criminal record evaluations and issue certificates of completed training for teaching assistants.
- (c) To be approved, a teaching assistant in driver education must have a high school diploma or equivalent, have been a licensed driver, excluding the instruction permit, for at least 5 years, possess a Texas driver's license valid for the type of vehicle used for instruction, and must not have accumulated 6 or more penalty points on a driving record during the preceding 36-month period. The school must use the standards for assessing penalty points for convictions of traffic law violations and accident involvements established under Texas Transportation Code, Chapter 708, Subchapter B.
- (d) A teaching assistant may be trained by an approved university as described in subsection (a)(1)(B) of this section; or by a university, college, school district, or an education service center (ESC) as described in subsection (a)(1)(A) of this section. When the training is conducted by a college, school district, or an ESC, the program must be approved by TEA. A driver education school licensed under Texas Education Code, Chapter 1001, may train teaching assistants as described in subsection (a)(1)(C) or subsection (a)(2)(B) of this section.
- (e) A school district, an ESC, or a college or university that uses teaching assistants must employ driver education supervising teachers to supervise, mentor, and evaluate the teaching assistants.
- (f) A student instructor may teach any practice teaching necessary for certification in the in-car phase of a driver education program under the direction and in the direct presence of a driver education teacher, supervising teacher, or teaching assistant. The student teacher shall sign the student record for the training they instruct, and the driver education teacher, supervising teacher, or teaching assistant that observed the instruction shall co-sign.
- (g) All teaching assistants (full or in-car only) and student instructors shall provide training in an ethical manner so as to promote respect for the purpose and objectives of a driver education program. A teaching assistant or student instructor shall not:
- (1) make any sexual or obscene comments or gestures while performing the duties of an instructor or give instruction or allow a student to secure instruction in a motor vehicle if that instructor or student is using or exhibits any evidence or effect of an alcoholic beverage, controlled substance, drug, abusable glue, aerosol paint, or other volatile chemical as those terms are defined in the Alcohol Beverage Code and the Health and Safety Code;
  - (2) falsify driver education records; and
  - (3) have accumulated 6 or more penalty points on a driving record during the preceding 36-month period. The school must use the standards for assessing penalty points for convictions of traffic law violations and accident involvements established under Texas Transportation Code, Chapter 708, Subchapter B. Instructors that accumulated 6 or more penalty points during the preceding 36-month period cannot provide instruction until it is documented that the accumulated penalty is less than 6 points.
- (h) All teaching assistants (full or in-car only) and student instructors shall not teach more than eight hours of behind-the-wheel instruction per day.

*Statutory Authority: The provisions of this §75.1003 issued under the Texas Education Code, §§7.021; 29.902; 51.308; 1001.101; 1001.1025; 1001.110; and 1001.257.*

*Source: The provisions of this §75.1003 adopted to be effective January 1, 2000, 24 TexReg 11325; amended to be effective February 26, 2009, 34 TexReg 1236; amended to be effective December 29, 2010, 35 TexReg 11630.*