

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES

TRANSPORTATION COMMITTEE
PUBLIC HEARING

STATE CAPITOL
HARRISBURG, PA

IRVIS OFFICE BUILDING
ROOM G-50

TUESDAY, AUGUST 10, 2021
2:00 P.M.

PRESENTATION ON
H.B. 1244

BEFORE:

HONORABLE TIM HENNESSEY, MAJORITY CHAIRMAN
HONORABLE ROSEMARY BROWN (VIRTUAL)
HONORABLE LYNDA SCHLEGEL CULVER (VIRTUAL)
HONORABLE DOYLE HEFFLEY
HONORABLE AARON KAUFER
HONORABLE LORI MIZGORSKI (VIRTUAL)
HONORABLE LOUIS SCHMITT
HONORABLE MEGHAN SCHROEDER (VIRTUAL)
HONORABLE MIKE CARROLL, DEMOCRATIC CHAIRMAN
HONORABLE JOSEPH HOHENSTEIN
HONORABLE SARA INNAMORATO
HONORABLE STEPHEN KINSEY
HONORABLE KYLE MULLINS (VIRTUAL)
HONORABLE JENNIFER O'MARA (VIRTUAL)
HONORABLE PERRY WARREN (VIRTUAL)
HONORABLE CHRISTOPHER B. QUINN

* * * * *

*Pennsylvania House of Representatives
Commonwealth of Pennsylvania*

I N D E X

TESTIFIERS

* * *

NAME PAGE

PANEL #1 -

DEFENSE DRIVING SCHOOL ACADEMY:

GERALD MURPHY,
OWNER.....6

SHIELDS DRIVING SCHOOL:

BRAD BIXLER,
OWNER.....11

ROGERS DRIVING SCHOOLS:

TIM ROGERS,
OWNER.....14

PA ASSOCIATION OF PRIVATE DRIVING SCHOOLS:

MARC SCHNEIDER,
LEGAL COUNSEL (VIRTUAL)17

PANEL 2 -

DEPARTMENT OF EDUCATION:

BRIAN GASPER,
CHIEF INSTRUCTIONAL QUALITY DIVISION.....42

PANEL 3 -

DEPARTMENT OF TRANSPORTATION:

KARA TEMPLETON,
DIRECTOR OF THE BUREAU OF DRIVER LICENSING.....74

SUBMITTED WRITTEN TESTIMONY

* * *

(See submitted written testimony and handouts online.)

1 P R O C E E D I N G S

2 * * *

3 MAJORITY CHAIRMAN HENNESSEY: Good afternoon,
4 everyone. The hour is 2:00. I want to thank our House
5 Members who are joining us here in person, some are joining
6 us virtually.

7 And I want to thank Representative Chris Quinn
8 who's here as the -- and thank him for sponsoring House
9 Bill 1244 which we'll talk about today.

10 And I also want to thank the members of the
11 public who are watching us on PCN.

12 With that said, Pam, would you call the roll,
13 please? I'm sorry, excuse me, Pam. Am I supposed to be
14 responding to those who are calling -- joining us
15 virtually? Okay. You didn't give me a -- she's on.

16 (Whereupon, roll was taken.)

17 MAJORITY CHAIRMAN HENNESSEY: Representative
18 Kaufer Just entered the room. And is that Steve Kinsey?
19 Hi, how are you doing?

20 REPRESENTATIVE KAUFER: I said Kaufer and Kinsey.

21 MAJORITY CHAIRMAN HENNESSEY: Okay. Okay. So we
22 have Representative Brown, Culver, Schroeder, Mizgorski,
23 O'Mara, and Warren joining us virtually.

24 Welcome everyone. Thank you.

25 Today, we're here to focus on House Bill 1244.

1 The prime sponsor, Representative Chris Quinn who's here
2 with us today.

3 This bill seeks to revamp the regulations
4 pertaining to the Driving Education Training in
5 Pennsylvania. The laws and some of its regulations are
6 almost 70-years-old. So perhaps it's time we take a new
7 look at them. And having read some of the testimony last
8 evening, I think it may be more than time that we take a
9 look at them.

10 So with that, Chairman Carroll, do you have
11 anything you wish to add?

12 DEMOCRATIC CHAIRMAN CARROLL: Nothing except that
13 this subject is something that I haven't really
14 contemplated or considered during my time in the General
15 Assembly and probably offers evidence again that
16 Pennsylvania is seldom at the front of the line for change.

17 MAJORITY CHAIRMAN HENNESSEY: Thank you.

18 We have a panel that's joining us today. Our
19 first panel is -- okay, all right. I'm being corrected
20 here already before I go. Representative Quinn, do you
21 wish to talk about House Bill 1244?

22 REPRESENTATIVE QUINN: Thank you, Mr. Chairman.

23 Chairman Hennessey, Chairman Carroll, and Members
24 of the Transportation Committee, I want to thank you for
25 the chance to speak today on my legislation, House Bill

1 1244.

2 Like me, I'm sure none of you have recently used
3 a VCR, a payphone, you had to pickup like the Yellow Pages.
4 That's what we're talking about at this point. We're
5 talking about a bill that is 70-years-old. It's the
6 Pennsylvania Private Driver Education or the Training
7 School Act which was first enacted 70-years-ago.

8 This outdated law makes it impossible for private
9 driving, education schools across the Commonwealth to hire
10 or retain qualified, knowledgeable instructors to teach our
11 future drivers.

12 Imagine a moment, you're recently retired. You
13 would like to supplement your income, get a job helping
14 young people learn how to drive and safely navigate our
15 highways. You have a clean driving record, a spotless
16 criminal history, you've passed the child abuse clearance,
17 but after finding out that process typically takes eight
18 months and could be as long as a year and require multiple
19 trips to Harrisburg, you say, why should I do it?

20 Mr. Chairman, that's what we're here to talk
21 about today. I want to thank the Committee for being here
22 and hopefully, everybody will keep an open mind to the idea
23 that we should make a change to this outdated law.

24 MAJORITY CHAIRMAN HENNESSEY: Okay. Thank you,
25 Representative Quinn.

1 Yes, before I begin, I'd like to formally swear
2 in the testifiers for the first panel. They are Jerry
3 Murphy, Brad Bixler, Tim Rogers, and Marc Schneider who's
4 joining us virtually.

5
6 (Oath administered.)

7
8 MAJORITY CHAIRMAN HENNESSEY: Thank you.

9 To help us understand the troubles with the
10 current situation, we're joined by this panel and also by
11 as spokesman from the Department of Education, and finally,
12 someone from PennDOT's Bureau of Driver Licensing.

13 Our first testifier, I think was going to be
14 Jerry Murphy. I assume that looks like an Irish face there
15 in the center. So you're welcome -- you have a very
16 receptive audience here with Chairman Carroll and myself.
17 We like to hear from the Irish people here, so have it.

18 MAJORITY CHAIRMAN HENNESSEY: Is the green light
19 on?

20 MR. MURPHY: It is. There it is. Okay. Now we
21 can hear.

22 MAJORITY CHAIRMAN HENNESSEY: Okay. There you
23 go.

24 MR. MURPHY: Thank you, again, Chairman
25 Hennessey.

1 MAJORITY CHAIRMAN HENNESSEY: You're welcome.

2 MR. MURPHY: And Chairman Carroll and the rest of
3 the House Transportation Committee. Thank you for allowing
4 me the time to be here today.

5 My name is Gerald Murphy and I own and operate
6 the Defensive Driving Academy. I started the company 17
7 years ago in 2004. From the very beginning, it was always
8 difficult to get new instructors through the licensing
9 process with PDE, Department of Education.

10 The driving school rules and regulations date
11 back to the 1950's, we've established that. And many
12 driving school owners, including myself, have provided
13 plenty of feedback to PDE for decades, now hoping that we
14 can improve the licensing process.

15 We've gone as far as retaining counsel through
16 our driving school association, but only to be ignored.
17 Simply stated, it should not take six, eight, ten months
18 and in some cases, well over a year to get a new candidate
19 licensed by the Department of Education to teach driving.

20 Our product is people. And without people,
21 driving schools lose revenue and they fail. Although there
22 was a time when driving schools fit seamlessly into PDE and
23 many school districts had thriving driver ed programs, make
24 no mistake, those days are gone. And PDE's inability to
25 support small business and arcane regulations have

1 stagnated our industry.

2 Here are just a few examples of the arcane
3 requirements for new driving instructors to become
4 licensed.

5 Number One: An outdated, multiple choice exam
6 which new candidates are not likely to pass and can only be
7 taken in Harrisburg, even though the driving school laws
8 require there be multiple locations throughout
9 Pennsylvania. We've had state police officers, we've had
10 school teachers, we've had individuals with Ph.D.'s study
11 and quickly fail this exam.

12 Number Two: When and if somebody finally passes
13 this multiple choice test that has to be taken in
14 Harrisburg, when and if a new candidate finally passes,
15 they must schedule, wait in line, and take the same non-
16 commercial driving test that teens are required to pass to
17 obtain their license, their teaching license. In every
18 instance, the potential instructor has had a valid PA
19 driver's license for years, if not decades, and it's been
20 in good standing. This requirement is redundant, costly,
21 and an undue burden on taxpayers and PennDOT DMV's.

22 That was just a couple of the arcane regulations.

23 Since 2018, the average amount of time for new
24 candidates at my company to get licensed is 7.1 months.
25 Now PDE has only budgeted for one administrator and in

1 recent years, perhaps a part-time assistant has made
2 supporting small business efficiency a challenge for
3 decades. Because of this, staff applications sit untouched
4 for days, sometimes weeks and months.

5 Unfortunately, limited staff has also caused many
6 errors and discrepancies to occur with licensing new
7 instructors. To date, DDA and other driving schools have
8 had instructors who receive their teaching licenses prior
9 to passing their teaching requirements. This, of course,
10 is just another example that clearly demonstrates the
11 hiring process that the Department of Education has broken.

12 As of today, the Department of Education is
13 currently only in the office one day a week to process new
14 staff applications. DDA and other driving schools, which
15 many of us started from nothing, continue to lose hundreds
16 of thousands of dollars every year in revenue because the
17 very agency that oversees us cannot get the job done.

18 I currently have employees that are certified by
19 PennDOT to pass or fail students during their non-
20 commercial license tests. But that same employee still is
21 not able to teach our students how to drive because of the
22 delays and difficulty with the broken instructor licensing
23 process at PDE. Many of us see this as not only a conflict
24 of interest, but potential liability for our Commonwealth.

25 Since 2018 alone, I have had 18 candidates,

1 people that I've hired and tried to start training stop
2 because the process to get the instructor through simply
3 takes too long. This frustrates people who need to earn a
4 wage. Since starting in 2004, my company, over 75 people
5 have given up and never went through the process.

6 Every year, I spend five figures to get
7 candidates to respond to our help wanted placements. And
8 when we finally, finally, finally find that special person,
9 and these are special people, not just people that we're
10 hiring, but special people that learn how to teach and can
11 teach teenagers how to drive and they give up, it's very
12 sad and the process needs to be changed.

13 Thank you for your time. I absolutely support
14 House Bill 1244 and I'm here today to answer any questions
15 that you may have.

16 MAJORITY CHAIRMAN HENNESSEY: Thank you, sir.
17 I'll ask -- thank you very much for your testimony.

18 I'll ask that we hold questions until the other
19 members of the panel have spoken.

20 And also, I should have indicated that if anybody
21 who is watching us and participating virtually wishes to
22 ask a question, please email so, excuse me, Tori Lauermann
23 or Meredith Biggica. That's

24 t-l-a-u-r-m-a-n-n@pahousegop.com or Mbiggica
25 M-b-i-g-g-i-c-a@pa.net. Thank you.

1 Our next testifier is Brad Bixler. Brad, begin
2 when you're ready. Thank you.

3 MR. BIXLER: Thank you, Representative Hennessey
4 and Representative Carroll and the Transportation Committee
5 for the opportunity to speak to all of you.

6 MAJORITY CHAIRMAN HENNESSEY: Could you get a
7 little closer to the mic if you'd --

8 MR. BIXLER: Oh, I'm sorry.

9 MAJORITY CHAIRMAN HENNESSEY: -- just pull it
10 towards you. Thank you.

11 MR. BIXLER: It's the first time I've been told
12 I'm quiet.

13

14 (Laughter.)

15

16 MR. BIXLER: As an educator, I have a little bit
17 of a different perspective in terms of as an owner of a
18 driving school.

19 I represent Shield Driving School. I am actually
20 licensed in the State of Pennsylvania and Maryland. Unique
21 situation with it, but that's for another day.

22 I've had many conversations with the Department
23 of Education about the hiring process. I've had many of
24 staff that have given up; master's degrees, multiple
25 master's degrees, and I've even had someone pass the bar

1 exam and fail this test twice while passing the bar exam.

2 This department has failed to adhere to Act 605
3 which was actually created before the Department of
4 Education actually existed which is over 70-years-old.

5 As an employer, it has become exponentially more
6 difficult with these archaic laws and even Gestapo-like
7 obstacles that have been implemented by the current
8 Department in which we reside.

9 I have never as an educator, witnessed such abuse
10 of educational practices as I have at the Department of
11 Education that oversees driver's education. There is no
12 equity. There is no involvement of the stakeholders.

13 As an educator, if I had 18 percent of my
14 students pass a test, I guarantee the Department of
15 Education would not come to me and say, you know what, it's
16 the student's fault. They would come to me and say what is
17 wrong with your test? And by the way, here's what this
18 test includes. It's over a thousand pages of material that
19 every day people are supposed to be able to learn and pass.

20 Again, 18 percent have passed. Mr. Williams who
21 is not here who passed the bar is now an Assistant District
22 Attorney, failed the test twice. I have had state troopers
23 of 30 years, fail it three times. I've had countless
24 people with multiple master's degrees that can't pass this
25 test that's supposed to be a high school equivalent test,

1 according to Act 605.

2 When reaching out to the Department of Education
3 to offer my assistance as an educator, and being a
4 stakeholder, not only as a business owner, but a resident
5 of the State of Pennsylvania, as a business owner, I was
6 turned down. There has been very little cooperation.

7 And as a driving school that has a relationship
8 with the Department of Transportation as a third-party
9 tester, I can tell you that we have more of a symbiotic
10 relationship with Department of Transportation. It's -- it
11 is a -- we work together. With Department of Education,
12 it's more of a disjointed, non-reciprocal relationship.

13 And I'm hoping that through this bill, Bill 1244,
14 we can have success in changing the current climate, the
15 laws, because at the end of the day, I think we can all
16 agree, we need safer drivers on the road because we share
17 those roads with them. And with many schools dropping
18 Department -- dropping driver education because it is not a
19 part of the state curriculum, we're seeing more and more
20 drivers every day get on the road without driver's
21 education.

22 Now we're running into a problem as companies.
23 We can't find qualified people to even teach the ones,
24 parents that are willing to pay for. And it takes like
25 Jerry said, a very special person to get in the car with

1 someone that doesn't know the difference between a brake or
2 a gas pedal and get on the roads with you and train them to
3 be safe.

4 I appreciate your time. I appreciate your
5 willingness to hear us out. And hopefully, we can come to
6 a resolution that changes the laws and makes Pennsylvania
7 safer. Thank you for your time.

8 MAJORITY CHAIRMAN HENNESSEY: Thank you.

9 Our next testifier is Tim Rogers, owner of Rogers
10 Driving School.

11 MR. ROGERS: Yes, hi. Tim Rogers, President of
12 Rogers Driving School in Pittsburgh. We've been around for
13 52 years. I'm actually a second generation driving school
14 owner. So I come from a different perspective having seen
15 how things either evolved or have not evolved over the
16 course of 50 plus years.

17 I support both my colleagues here as far as their
18 frustration as far as licensing new instructors and finding
19 new instructors at a time when it's difficult to find
20 employees to begin with.

21 One of the difficulties I have is being in
22 Pittsburgh. It's a three and a half hour drive to come to
23 Harrisburg to take a test, three and half hour drive to go
24 back, approximately. And we got to the point where told
25 our employees, we're going to pay for your motel room to

1 come -- go up to Harrisburg to take the test.

2 When I interview someone for these tests, the
3 last thing I tell them after I talk about the procedure of
4 getting a license, the benefits of doing what we do is
5 there's one thing that I have to explain to you. You have
6 to go up to Harrisburg, a different city to take a two hour
7 exam. And their eyes widen. How can that be? And I said
8 it's just the way it is.

9 We just want to make some improvements on how the
10 licensing process is done. There are so many ways that we
11 can improve this process.

12 I've been -- I owned an insurance business. I
13 receive licenses, property and casualty license, life and
14 health, Series 6 and 63 securities licenses through
15 Department of -- Pennsylvania Department of Insurance. I
16 never once had to go to Harrisburg to their department to
17 take these license tests. I did them locally at a testing
18 center. I mentioned this to the Department of Ed as ways
19 that we can improve the process.

20 And so the last thing I tell potential employees
21 is that you have to go up to Harrisburg. And I've
22 literally lost some employees saying I don't want to drive
23 to Harrisburg to take a test.

24 Our job as my colleague said is finding excellent
25 teachers. And when you try to find excellent teachers,

1 they don't stay on the market very long. If they have to
2 wait weeks or months to actually start earning an income,
3 they disappear, they move on to something else and that's
4 our frustration. We have the customer base for our driving
5 school. We have people calling us constantly, hey, I want
6 to learn to drive and it's frustrating when we don't have
7 enough of staff to actually make safe drivers out there on
8 the road.

9 I think we do something very important trying to
10 save lives out there on the highway. I don't understand
11 the obstacles to having a virtual test and improving the
12 process of getting instructors licensed. It just takes too
13 long.

14 And it's just a frustrating thing when you're
15 running a small business, especially in the era of COVID.
16 The frustration of telling people when Western Pennsylvania
17 was in the green zone, guess, what, you have to drive to
18 Harrisburg in the yellow zone during the COVID era when we
19 could start hiring people to actually become driving
20 instructors. It was a very frustrating thing to do.

21 An there are just simple ways to make
22 improvements. And I think a lot of the things are
23 discussed herein this bill and definitely, I support it. I
24 know a lot of my colleagues in Pittsburgh definitely would
25 support the system as well. Things have to be computerized

1 as far as taking these tests. They have to be offered
2 locally in major areas of the Commonwealth.

3 We have colleagues up in Erie which takes a long
4 time to drive to Harrisburg and it's frustration for those
5 folks to try to get instructors licensed.

6 So it's something that either through the
7 Department of Ed or through PennDOT, whichever agency can
8 handle the situation, the improvements have to be made.

9 So thank you for the opportunity to speak.

10 MAJORITY CHAIRMAN HENNESSEY: Okay. Thank you
11 for your testimony.

12 Excuse me. Our next testified is Marc Schneider
13 who's legal counsel for the Pennsylvania Association of
14 Private Driving Schools. Marc, I see you there on the
15 monitor. Begin whenever you're ready.

16 Oh, we've been joined by Representative
17 Hohenstein.

18 MR. SCHNEIDER: Okay. Thank you, Mr. Chairman
19 and Chairman Carroll, and all Members of the Transportation
20 Committee.

21 As was mentioned, I am legal counsel for the
22 Pennsylvania Association of Professional Driving Schools.

23 The Association is a statewide organization
24 that's been watching out for the interests of the
25 Commonwealth's private driver training schools since 1959.

1 So in that capacity, the Association has considerable
2 experience dealing with the antiquated Act 605 that has
3 been discussed already today.

4 While I've only been working with the Association
5 for little over a year now, much of my involvement has been
6 centered around trying to navigate Act 605 related issues.
7 The most pressing issue at hand is the instructor licensing
8 crisis the Association's members are facing. A crisis
9 that's been enduring for more than a year now.

10 There's no simpler way to tell the story of this
11 crisis than to direct your attention to Page 4 of our
12 testimony. There, we provided the grim passage rate
13 statistics for instructors taking the licensing exam
14 between the time period beginning last March and ending at
15 the end of March this year.

16 During that time, only 18 percent of first-time
17 test takers passed the written exam and the overall passage
18 rate was only 33 percent, including multiple takers.

19 The inability to license new instructors is
20 really strangling the private driver training school
21 industry as has been discussed some already. Speaking on
22 behalf of the Association, I can tell the Committee that
23 many Association schools dedicate dozens of hours vetting
24 and training instructors before those instructors drive to
25 Harrisburg to sit for this exam which translates into

1 thousands of dollars of investment just to get a candidate
2 to the point of heading to Harrisburg and to have only a 1
3 in 5 chance of becoming licensed.

4 As has been discussed, many schools lack the
5 staff to meet the post-COVID demand being seen around the
6 state. Between employees not returning because of the
7 pandemic and the inability to bring on new employees, many
8 of the schools across the state are sitting stagnantly
9 waiting for some sort of solution to be permitted to
10 reasonably hire employees again.

11 Beyond bringing light to this crisis, the
12 Association has tasked me with sharing my legal perspective
13 on the situation with you all as you consider legislative
14 changes for this industry.

15 On that front, from my dealings with Act 605,
16 working with the Association, two things stand out about
17 Act 605. First, is the broad discretion vested in the
18 Department of Education which makes it virtually impossible
19 to pursue any litigation-based solution to this crisis.

20 The obvious litigation option for a situation
21 like this would be seeking a writ of mandamus basically
22 asking the state courts to compel the Department of
23 Education to act as is required by Act 605. But mandamus
24 claims are difficult and especially where there's
25 discretion involved.

1 So for instance, if Act 605 required PDE to offer
2 an exam on narrow subject matter requiring some measure of
3 predictive validity that's not being seen under the
4 current exam, it might be possible to seek the assistance
5 of courts in addressing this current crisis facing the
6 driving schools. But probably because Act 605 was created
7 well before this industry really took shape, no such
8 language exists and instead, PDE is granted broad
9 discretion to implement the act.

10 The thing that stands out about Act 605 is the
11 lack of involvement, private driving schools are given in
12 the administration and implementation of Act 605. The act
13 provides for nothing more than an optional advisory committee
14 to be created at the discretion of PDE. And that committee
15 does not exist at present because PDE has chosen not to
16 form that committee. If it were to exist, it would consist
17 of only two members from the industry out of the seven
18 total members on this optional advisory committee.

19 Consistent with the decision not to create this
20 optional committee at this time, PDE is not taking any
21 other less formal steps to seek input from driving schools.
22 Instead, the relationship seems unnecessarily and
23 inexplicably antagonistic.

24 And I think it's important to note that to grant
25 a broad discretion to a body governing professional state

1 licensure can work. We see that in a variety of boards who
2 oversee professional licensure among professions falling
3 within the purview of the Bureau of Professional and
4 Occupational Affairs within the Department of State.

5 Critically, though, these boards are typically
6 comprised predominantly of licensed members of the
7 profession.

8 In stark contrast, Act 605 regime sees a state
9 agency that does not regularly work with small, for profit
10 businesses, have exclusive control over licensing with no
11 required participation for members of the profession.

12 With that in mind and to briefly close my
13 comments. I would also direct Committee Members to the
14 revised Act 605, put together by the Association's
15 Legislative Committee with input from all members along
16 with the assistance of a variety of resources in trying to
17 compose a product that meaningfully addresses the concerns
18 that the Association presently has.

19 Among the other updates and just sort of general
20 overhauling to modernize the statute, the two key revisions
21 here are the changes that touch on the two areas of concern
22 that I mentioned legally here today.

23 New Section 3-2(d) provides for more specificity
24 regarding the style and source material for the
25 instructor's exam, opening the door to a litigation

1 solution should the industry find itself in such a crisis
2 in the future.

3 And the new Section 11 which requires rather than
4 permit to be optional, the formation of an advisory
5 committee comprised of at lease one-third of active,
6 private driver school owners.

7 These changes represent the Association's
8 measured attempt to bring about the change that is
9 absolutely essential for the industry while working within
10 the existing statutory scheme.

11 With that, I will conclude my comments and
12 certainly welcome any questions that I can answer on behalf
13 of the Association.

14 Thank you.

15 MAJORITY CHAIRMAN HENNESSEY: Thank you, Marc.

16 And thank all of you again for your testimony.

17 I'm just a little astounded by the fact that the
18 -- after you vetted these people before you potentially
19 hire them for your training school, re-trained them, I
20 guess, updated them on new -- they come to Harrisburg and
21 between 18 and 33, only 18 to 33 percent pass the test?

22 This -- can anybody explain to me why --

23 MR. MURPHY: 18 to --

24 MAJORITY CHAIRMAN HENNESSEY: -- I mean, that
25 just seems either the test is really so arcane that nobody

1 can understand it or we should be looking for other people.

2 MR. BIXLER: As an educator, the test is designed
3 to fail. It's to prove a point that you need to do X, Y,
4 and Z. It's not -- we're not here to -- it's -- this test
5 is -- I had the former head of Department of Game
6 Commission who came onboard. He said it's the hardest test
7 he's ever taken in a state agency and he passed with a 70
8 percent. Every one of my employees has past with a 70, 71,
9 or 74. That was the highest that they've ever gotten on
10 this test. And I literally give them a thousand pages and
11 say anything is game in this test.

12 Now, this test is designed to be a high school
13 equivalent covering four different areas. It's just -- and
14 we're not even allowed to have access to the test. In
15 education, I've never heard this where you're not allowed
16 to see the test after you take the test. None of my
17 employees are allowed to see what questions they get wrong.
18 They're not even allowed to see it out of fear that it may
19 be copied and reused again. As an educator, I create a new
20 test every week. But this same test is inefficient,
21 unproductive, and simply a failure all the way around.

22 MAJORITY CHAIRMAN HENNESSEY: Okay. And as you
23 understand the test, who creates the test and who updates
24 it? Is it all in the hands --

25 MR. BIXLER: We have no input.

1 MAJORITY CHAIRMAN HENNESSEY: -- of the
2 Department of Education?

3 MR. BIXLER: Representative Hennessey, we have no
4 input in it. It is done by the Department of Education and
5 I would feel comfortable with the Department of Education
6 answering that question.

7 MAJORITY CHAIRMAN HENNESSEY: Okay. Do you have
8 a question? Go ahead.

9 DEMOCRATIC CHAIRMAN CARROLL: So my notes tell me
10 that the Department of Education early last year changed
11 the test, beginning of last year for unknown reasons.
12 School Safety Education Advisory has made significant
13 changes to the written theoretical examination instructors
14 must pass. Are you familiar with that?

15 MR. BIXLER: Yeah, it made it harder.

16 DEMOCRATIC CHAIRMAN CARROLL: Fair enough. What
17 was the past rate prior to the change?

18 MR. BIXLER: We have -- I have asked for those
19 rates and I've even filed a Right to Know and I have been
20 denied those numbers. Only after our lawyer submitted a
21 Right to Know did we actually get the current numbers.

22 DEMOCRATIC CHAIRMAN CARROLL: Fair enough, but
23 just your own experience. I mean, if you sent ten folks up
24 --

25 MR. BIXLER: I --

1 DEMOCRATIC CHAIRMAN CARROLL: -- to take the test
2 prior to the change, what would you expect the pass rate to
3 be for those 10?

4 MR. BIXLER: About 30 percent.

5 DEMOCRATIC CHAIRMAN CARROLL: Okay.

6 MR. BIXLER: And most of the people I'm sending
7 now are educators and they're praxising, they're getting
8 their driver's ed praxis onto their certificate to avoid
9 taking this test.

10 DEMOCRATIC CHAIRMAN CARROLL: And one last thing.
11 I understand that the bill directs this ought to be given
12 to PennDOT and taken away from Department of Education and
13 I looked at the testimony from both PennDOT and Department
14 of Education. I think I can sum it up by saying that the
15 Department of Education isn't going to put up a fight to
16 keep this, but at the same time, PennDOT's not going to be
17 thrilled to get it.

18 Have you contemplated in setting up a licensure
19 scheme like we have for other professional licenses run out
20 of the Department of State? And I see nodding heads, so
21 I'll take that as a yes. And if that's the case, is that
22 something that you would embrace equally with the desire to
23 ship this to PennDOT?

24 MR. BIXLER: Yeah.

25 MR. MURPHY: Absolutely.

1 MR. ROGERS: Absolutely.

2 MR. MURPHY: Yeah, we just want to be heard.

3 MR. ROGERS: We're all on the committee, the
4 legislative committee for PAPDES and that was one of the
5 ideas we discussed. The only hinderance with that is the
6 time it would take to setup a regime like that as opposed
7 to if you're staying with the Department of Education or
8 switching to PennDOT. It's just apparently more complex --

9 DEMOCRATIC CHAIRMAN CARROLL: Yeah, the --

10 MR. ROGERS: -- process to try to achieve.

11 DEMOCRATIC CHAIRMAN CARROLL: -- I don't know
12 what the effective -- what's the effective date -- what --
13 none -- what 1244 contemplates the effective date of this
14 to be, but -- well, Meredith --

15 MS. BIGGICA: 180.

16 DEMOCRATIC CHAIRMAN CARROLL: 180 days. So
17 there's going to be a six month gap anyway. It just seems
18 to me that at the end of the day, you're talking about
19 professional license and so, maybe the smart thing to do is
20 to at least consider utilization of the model that exists
21 for dozens of licenses issued by the Department of State.

22 MR. MURPHY: Yes, and we have. And we will
23 continue to do that.

24 DEMOCRATIC CHAIRMAN CARROLL: Fair enough.

25 Thank you.

1 MAJORITY CHAIRMAN HENNESSEY: Okay. Thank you,
2 Mike.

3 Representative Kinsey?

4 REPRESENTATIVE KINSEY: Thank you, Mr. Chairman.

5 And thank you, gentlemen, for testifying.

6 I think Chairman Carroll sort of touched on the
7 question I was going to ask. I think when Mr. Marc
8 Schneider talked about the -- in his report on Page 4, the
9 first time passage rate, I was trying to get a sense of,
10 you know, we're talking about a law that was established
11 back in 1952. So when we talk about the first time passage
12 rate of 18 percent and then overall passage rate of 33
13 percent, what timeframe was this data gathered? Do we know
14 offhand? Is it just the past five years?

15 MR. ROGERS: Marc can answer that question, I
16 believe.

17 MR. SCHNEIDER: Yes. The -- that was requested
18 through Right to Know request. The specific time period
19 requested was March 1 of 2020 to the end of March, March
20 31, 2021.

21 The reason for requesting that time period is
22 just the experience that the test became excessively
23 difficult, even more so around that time. And, you know,
24 there was a desire to see whether the statewide data would
25 line up with the sort of anecdotal view of the members of

1 the Association.

2 And even though, you know, the Association knew
3 how difficult this was, I think everybody was stunned to
4 actually see the data as it came in in response to that
5 Right to Know request. And I think even more so given the
6 fact that the ability to produce the data suggests that
7 that data is tracked by the Department of Education which
8 should have within its ranks, someone capable of analyzing
9 the predicted validity of an examination.

10 I mean, that's the purpose of an exam is to have
11 some predictive validity. And the 18 percent number is
12 objectively as can possibly be case indicative of a failure
13 in achieving that predicted validity.

14 REPRESENTATIVE KINSEY: Thank you for sharing
15 that.

16 Brad, I wanted to ask you a question. I think
17 you talked about, I mean, you sort of listed some
18 qualifications of individuals who took the test, folks who
19 had secondary, a post-secondary education and how they
20 struggled.

21 I'm just curious, was a testing guide offered?
22 Like, you know, I think that when we take the regular
23 standard driver's license test, there's a testing guide.
24 So is there a testing guide that's offered to help --

25 MR. BIXLER: So --

1 REPRESENTATIVE KINSEY: -- folks?

2 MR. BIXLER: -- there is, but what we found is
3 that testing guide is incomplete and that everything in
4 this -- there's about 500 -- there's about 750 pages of
5 what is basically a driver education curriculum from a
6 particular school and then also, the 100 -- it was 106
7 pages from the Department of Transportation which is the
8 driver's manual and everything is fair game.

9 MR. MURPHY: Yeah, it's cumbersome.

10 MR. BIXLER: And it's -- and some of it doesn't
11 even deal with driver's education, it deals with math,
12 which is --

13 MR. MURPHY: It's cumbersome.

14 MR. BIXLER: -- out of the preview or the purview
15 --

16 MR. ROGERS: Purview.

17 MR. BIXLER: -- of what we're actually there to
18 do.

19 MR. MURPHY: I think the more relevant question
20 for all of us here today would be why after the pandemic
21 when we've lost people, would that test become harder, I
22 think.

23 REPRESENTATIVE KINSEY: Yeah, that's a good
24 point.

25 And Mr. Murphy, let me ask you this question also

1 because you talked about in addition to the test being
2 established back in, you know, 69 years ago. You also
3 touched on, and this is -- we've seen a lot of this post --
4 well, during the pandemic where departments had to cut back
5 on staffing. And you mentioned, I believe, Mr. Murphy, you
6 said that lack of staffing or only one office -- only I
7 think only one person in the -- or maybe the office being
8 open only one day weekly or something of that nature.

9 MR. MURPHY: Correct. Correct.

10 REPRESENTATIVE KINSEY: Prior to the pandemic, I
11 mean, was there more -- I mean was the office open more
12 frequent? I'm thinking that the office may have closed
13 just like other departments did because of the pandemic,
14 but was that the -- in addition to the testing in and of
15 itself was that also part of the concern that there was
16 just simply lack of staff in the PDE or was it simply due
17 to the pandemic that caused the office to change?

18 MR. MURPHY: That's an excellent, that's an
19 excellent question. And like I've said in my testimony,
20 you know, I started my school back in 2004 and it's always
21 been hard, always been hard. And so, why it would become
22 more difficult or they would go one, to one day a week, I
23 mean, with five days a week, it was difficult, a difficult
24 process, in my opinion.

25 REPRESENTATIVE KINSEY: Sure.

1 MR. MURPHY: Mostly because it was one person
2 that oversaw everything. That we are now at one day a
3 week, you know, post-pandemic and we're all struggling to
4 keep the lights on is a bit disturbing.

5 REPRESENTATIVE KINSEY: Right. I want to thank
6 you all for testifying.

7 Mr. Chairman, thank you very much for allowing
8 the questions.

9 MAJORITY CHAIRMAN HENNESSEY: Thank you, Steve.

10 MR. MURPHY: Thank you.

11 MAJORITY CHAIRMAN HENNESSEY: Representative
12 Kaufer?

13 REPRESENTATIVE KAUFER: Thank you, Chairman.

14 A couple of just questions here. And thank you
15 for your testimony.

16 Is how often is the test actually administered?
17 Is it once a month, once a week? I missed that somewhere.

18 MR. MURPHY: Marc, Marc knows.

19 REPRESENTATIVE KAUFER: Once a quarter?

20 MR. MURPHY: Yes. I think it's monthly.

21 REPRESENTATIVE KAUFER: Monthly.

22 MR. MURPHY: Yeah.

23 REPRESENTATIVE KAUFER: Once a month. Okay.

24 MR. BIXLER: It could be biweekly.

25 MR. MURPHY: Yeah.

1 MR. BIXLER: We're not privy to when the tests
2 are given. The only -- we're not privy to when the tests
3 are given. We only know when our people go for a test,
4 when the test is given. So he doesn't announce the test
5 dates, he tells the potential candidates, oh, you're going
6 to be going to take a test on this day. So we're not
7 always privy to when that test is being offered unless we
8 have somebody that is going to take the test.

9 MR. ROGERS: Correct.

10 MR. MURPHY: Marc, Marc, do you have a more
11 specific answer to the scheduling lately? It changes
12 often.

13 MR. SCHNEIDER: I believe -- yes. I believe at
14 one point it was monthly post-pandemic. There were no
15 tests administered from approximately March until June.
16 During that time, I was involved in the Association's
17 efforts to just at least have a test offered as there were
18 none for about a little over three months. Following the
19 re-initiation of the exam, I think it was monthly. And I
20 do believe that it's been as frequent as bimonthly on
21 occasion since that time.

22 REPRESENTATIVE KAUFER: So I assume that all
23 three of you gentlemen have taken this exam at some point,
24 right, since you all --

25 MR. MURPHY: Correct.

1 MR. BIXLER: -- own the schools or are involved,
2 right? You know, I'm an attorney. I had to take the bar
3 exam. I just think of the -- that's the one thing that
4 once you're done with, thank God, I never have to take that
5 exam again, right? And I could only imagine the same
6 mentality of dealing with what you're dealing with.

7 And, you know, my -- I comment. A lot of you
8 guys -- what's being talked about seems to be a practical
9 paper test, right? And so, it's --

10 MR. MURPHY: Correct.

11 REPRESENTATIVE KAUFER: -- you know, that's what
12 you're working through. And with somebody teaching a
13 driving school, like I would imagine a lot of what you do
14 is in a vehicle with a student and actually the job of
15 actually how to drive. And so, it's amazing to me that
16 what we're talking about is more so about the paper part of
17 it and not actually about how is this person actually
18 driving or how would --

19 MR. MURPHY: Exactly.

20 REPRESENTATIVE KAUFER: -- they actually teach
21 somebody about this.

22 MR. MURPHY: Exactly right, yeah.

23 REPRESENTATIVE KAUFER: But the paper stuff that
24 I got to imagine is so minimal and what you'd actually be
25 doing as your profession of actually getting in a car and

1 teaching somebody actually how to drive a vehicle, it seems
2 a little backwards to me.

3 MR. ROGERS: Representative, there's not a strong
4 correlation between what is in that test as to what a
5 driving instructor does. The test is based on a public
6 high school driver's ed program. We're private schools.
7 And there's not a strong correlation of any content.

8 I also took the bar exam. I'm also an attorney.
9 And I realize there's tests that you take that once you're
10 done with it, you never use that again. I understand that
11 concept, but as a teacher, I would love if they would test
12 laws, rules of the road, and teaching techniques as the
13 basis of the test --

14 REPRESENTATIVE KAUFER: Well --

15 MR. ROGERS: -- and not extraneous information
16 which has no correlation with what you're doing.

17 REPRESENTATIVE KAUFER: -- and that was going to
18 be my final point of how similar that it was to what you
19 would go take as to get your permit. I think it's -- you
20 still take the exam prior to getting your permit, right?

21 MR. ROGERS: Right.

22 REPRESENTATIVE KAUFER: So I guess it -- they're
23 not even similar to one another in questions of just what
24 is supposed to be a high school level of just basic
25 understanding of these are the rules of the road, these are

1 the way things are done. So obviously, it's much more in-
2 depth than -- I understand this is somebody teaching, but,
3 you know, just from perspective, the focus should be on the
4 actual driving piece of it, not the paper piece of it. And
5 it seems like we have that backwards at least in the way
6 this is administered.

7 MR. ROGERS: The old version of the test from
8 many years ago when the state police administered the test,
9 it was based on the Pennsylvania Driving Manual, the rules
10 of the road. And I can understand from a teaching pedagogy
11 aspect that you should have teaching aspects in there as
12 well, but it should really be based on the Pennsylvania
13 Driver's Manual. That's what you're teaching the students,
14 you know, that you know the rules of the road and basic
15 safe defensive driving techniques.

16 MR. MURPHY: And one of the questions you would
17 find, commonly hear about when these instructors would come
18 back confused would be why were they asking me questions
19 about the levels of insurance needed on each vehicle? I'm
20 not a driving school owner and, you know, how do you answer
21 that question, right?

22 REPRESENTATIVE KAUFER: And something they're not
23 going to need to know, that's obviously --

24 MR. ROGERS: Yes. That's our job.

25 REPRESENTATIVE KAUFER: -- something that you

1 need to know.

2 MR. ROGERS: Yeah.

3 REPRESENTATIVE KAUFER: Not something that
4 somebody who would be working for you would.

5 Thank you. It helps give me some extra
6 perspective on this.

7 MAJORITY CHAIRMAN HENNESSEY: Thank you, Aaron.

8 We've been joined -- I should have mentioned this
9 earlier. We've been joined by Representative Doyle Heffley
10 before we had a few rounds of questions here. So, welcome
11 Doyle.

12 Chairman Carroll, you had a follow-up question?

13 DEMOCRATIC CHAIRMAN CARROLL: Just a follow-up
14 question.

15 The high schools and the school districts that
16 still offer driver ed, do the folks that teach that in the
17 school districts need to be licensed similarly?

18 MR. BIXLER: So, it's a great question,
19 Representative Carroll.

20 To teach in Pennsylvania, you must pass driver's
21 education either as a part of your state certification or
22 you can add it on which most people do because there's only
23 one college in the state that actually offers driver
24 education now and that's the IUP, Indiana University --

25 MR. MURPHY: Of Pennsylvania.

1 MR. BIXLER: -- of Pennsylvania. So they're the
2 only college that offers driver's education anymore.

3 MR. MURPHY: Yeah.

4 MR. BIXLER: All the other schools have closed it
5 down. So it is very hard to find someone that actually
6 goes and takes driver education as part of their teaching
7 certification. So now what I do is I hire teachers that
8 take the state praxis, so they can skip all of this
9 nonsense and just get it added to their certification, so
10 we don't have to go through this process that we're dealing
11 with right now.

12 All my law enforcement officers struggle and they
13 shouldn't. These guys know the rules of the road. These
14 guys don't want to go to a door of a parent and say hey,
15 I'm sorry, but your child was involved in a traffic
16 accident. They absolutely are worried sick about each of
17 these kids because they want to make sure they get home to
18 their families and they're willing to spend their
19 retirement teaching kids how to drive and this is how we're
20 treating them.

21 DEMOCRATIC CHAIRMAN CARROLL: So I understand
22 clearly. If there's a school district with a teacher
23 that's offering driver ed in that school district, they're
24 doing it because they've done one of two things. They've
25 gotten the license as a result of an education and part of

1 their education at IUP or they've passed this test?

2 MR. MURPHY: Correct.

3 MR. BIXLER: Correct.

4 DEMOCRATIC CHAIRMAN CARROLL: Okay. Thank you.

5 MAJORITY CHAIRMAN HENNESSEY: I have one question
6 in terms of the scheduling of the test.

7 MR. MURPHY: Along with many other requirements,
8 by the way. That's just one them.

9 DEMOCRATIC CHAIRMAN CARROLL: I just -- I wonder
10 while I sit here, how many school districts have people
11 doing driver ed that have done neither of those two things?

12 MR. BIXLER: Representative Carroll, in all
13 respect, many of them are dropping it and it's falling on
14 us to take care of it, but we're -- with the staffing
15 shortages, we're unable --

16 MR. MURPHY: Exactly.

17 MR. BIXLER: -- to meet that demand from schools
18 dropping the programs.

19 MAJORITY CHAIRMAN HENNESSEY: Brad, I think it
20 was you who said that they tell you when your student can
21 come and take the test. How cooperative are they? I mean,
22 if somebody said -- tells you you can send the guy in next
23 Tuesday, can you send -- and he can't make it, is it
24 available Wednesday or Thursday or Friday or is it simply
25 very dictatorial in terms of how they setup a schedule?

1 MR. BIXLER: It's only available when they're
2 available.

3 MAJORITY CHAIRMAN HENNESSEY: And how many
4 testers are there to be of -- so they can be available for
5 one person?

6 MR. BIXLER: You'd have to ask Department of
7 Education on that. I'm not aware of their staffing issues.

8 MAJORITY CHAIRMAN HENNESSEY: Okay. Well, when
9 someone does have a scheduling problem, how does it get
10 resolved?

11 MR. MURPHY: Right.

12 MR. BIXLER: They have to work with Department of
13 Education and the office that handles that.

14 MAJORITY CHAIRMAN HENNESSEY: And that may take
15 what, another week, or two weeks, or whatever --

16 MR. BIXLER: It could take a month.

17 MAJORITY CHAIRMAN HENNESSEY: Okay. Thank you.

18 DEMOCRATIC CHAIRMAN CARROLL: Representative
19 Mullins has joined us virtually.

20 MAJORITY CHAIRMAN HENNESSEY: Okay.
21 Representative Kyle Mullins has joined as virtually.
22 Welcome, Kyle.

23 Seeing no other questions posed to be asked, I'll
24 thank -- I'm sorry, you do? All right. Go ahead, go
25 ahead.

1 REPRESENTATIVE KAUFER: Sorry. One last
2 question. How long is the exam and how many questions are
3 there on this exam? Did I miss that somewhere?

4 MR. ROGERS: It's a length a maximum of two hours
5 with 100 multiple choice questions.

6 MR. MURPHY: And do we still have the essays --

7 MR. ROGERS: No.

8 MR. MURPHY: -- at the end? Okay. Till
9 recently, we had two or three essay questions at the end of
10 that.

11 MAJORITY CHAIRMAN HENNESSEY: I'm still stunned
12 by the idea that only 18 percent roughly pass it the first
13 time. That's, you know --

14 MR. BIXLER: And that's acceptable by the
15 Department of Education because it hasn't changed. The
16 test hasn't changed.

17 MAJORITY CHAIRMAN HENNESSEY: Well, you're saying
18 it's acceptable that they fail 80 percent of the people.

19 MR. BIXLER: That is -- yeah, that is acceptable
20 because as an educator --

21 MAJORITY CHAIRMAN HENNESSEY: What does it cost
22 to take test?

23 MR. BIXLER: The test is free.

24 MAJORITY CHAIRMAN HENNESSEY: It is?

25 MR. BIXLER: Yes.

1 MAJORITY CHAIRMAN HENNESSEY: Okay.

2 MR. MURPHY: The travel to-and-from Harrisburg,
3 however, is not.

4 MR. BIXLER: Yeah.

5 MR. MURPHY: Right.

6 MR. BIXLER: And fortunately, I'm based out of
7 Harrisburg, so my staff doesn't have to travel, but my
8 colleagues travel from other parts of the state that spend
9 considerable amount of money feeding them, housing them, to
10 make sure that they can come and take this test.

11 MAJORITY CHAIRMAN HENNESSEY: We have too many
12 lawyers taking the test.

13

14 (Laughter.)

15

16 MR. BIXLER: The problem is my lawyer failed.

17 MAJORITY CHAIRMAN HENNESSEY: Yeah. I don't
18 think he -- he wasn't referring to you, Marc, I don't
19 think.

20 But gentlemen, thank you very much for you
21 testimony. Marc, thank you for your testimony. We
22 appreciate the time and the effort you put into being here,
23 not so much you, Brad, because you're from Harrisburg --

24

25 (Laughter.)

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MAJORITY CHAIRMAN HENNESSEY: -- but the other guys are coming from a distance. We do appreciate it and thank you very much for your insights on House Bill 1244.

Thank you.

MR. ROGERS: Thank you.

MR. BIXLER: Thank you very much.

MAJORITY CHAIRMAN HENNESSEY: You're welcome.

Our next testifier is Brian Gaspar who is the -- Gaspar who is the Chief Instructional Quality -- Chief of the Instructional Quality Division at the Pennsylvania Department of Education.

Brian, if you'll come -- yeah, take a seat there.

DR. GASPER: Hi.

MAJORITY CHAIRMAN HENNESSEY: I thank you. Now, before you begin, will you please raise your right hand.

(Oath administered.)

MAJORITY CHAIRMAN HENNESSEY: Thank you.

You're here in the unenviable position, I think, of trying to answer some of the criticisms that have just been leveled at the Department of Education. We won't level them at you personally, but I am interested in hearing your responses on behalf of the Department as to

1 how -- there seems to be some intransigence on the part of
2 the Department to make any changes to this system which has
3 been around for a long time and which apparently has been
4 constantly talked about and complained about. And, you
5 know, I don't want to put you in a difficult position, but
6 go ahead. Testify whenever you're ready and see if you can
7 clear up some of the muddy water now.

8 DR. GASPER: Sounds good. Well, thank you,
9 Chairman Hennessey, Chairman Carroll, and the Committee. I
10 appreciate your time. I have a written testimony here and
11 then I can answer some of the questions that I think arose
12 during the past testimony.

13 So I am Dr. Brian Gasper. I am the Division
14 Chief of Instructional Quality and we're located within the
15 Bureau of Curriculum, Assessment, and Instruction with the
16 Department of Education.

17 And thank you for inviting us here to discuss
18 House Bill 1244, which would transfer all private driver
19 education training and testing responsibilities to the
20 Department of Ed -- from the Department of Education to the
21 Department of Transportation.

22 The Department of Education does not oppose the
23 intention of the bill in its efforts to update private
24 driver training school laws and acknowledges that concerns
25 expressed by this Committee are valid and that updates

1 would be beneficial.

2 However, the Department maintains that the same
3 positive outcome may be reached by updating current
4 education regulations and implementing other operational
5 changes. In fact, many of the changes being proposed in
6 this bill are either being implemented by the Department or
7 are under review by the Department at this time.

8 Under this approach, the Department would
9 continue providing a comprehensive driver training and
10 curriculum that was developed first in July 2000 and then
11 updated in 2018 through the Departments of Transportation
12 and Education under a grant provided by the National
13 Highway Traffic Safety Administration.

14 The program is based on the enhanced safety
15 center and allows the Commonwealth to provide a uniform set
16 of laws and regulations to govern all driver education
17 programs.

18 The Department has approved 187 private driver
19 training schools through this program and those schools
20 provide service to citizens in 41 counties. In addition,
21 public schools provide driver education programs in 64 of
22 the 67 counties.

23 The Department believes that all we want is the
24 same outcome; a comprehensive program that provides well-
25 trained driving instructors who in turn provide quality

1 driver education and training to novice and beginner --
2 beginning drivers. We are confident that regulatory and
3 operational changes can be made to reach this goal.

4 And so, with that said, if you would -- I wrote
5 down some of the questions that have arisen since in the
6 last testimony, just to go over some of those items.

7 Some of the numbers that were indicated for
8 certification were anywhere from eight months to a year.
9 When we receive a full application, the turnaround time is
10 one day. So I'm not necessarily understanding the length
11 of time because if an application comes in complete,
12 everything is there that is needed, then that application
13 can be processed either that day or by the following day.

14 There are some items within an application that
15 can spur a good moral character investigation or sometime
16 -- some of those items need further investigation from our
17 staff to make sure that that person is of good moral
18 character in order to move forward. Otherwise, a full
19 application really only takes one day.

20 Currently, we were talking about the testing.
21 Since September 2020, we have been testing one time per
22 week. And that is -- it has been a set day one time per
23 week every week since September.

24 The Right to Know request that was offered and
25 some of the data that we're talking about, when we're

1 looking at 18 percent pass rate, that test is really only
2 -- that data is really only from September 2020 through
3 March 2021. So it's a small set of a data set that we're
4 looking at.

5 Just some other information on the test, how we
6 kind of got to this test. Back in March of 2020, there was
7 a -- our current test was compromised and the test needed
8 to be adjusted. So up until March 2020, the test has been
9 the same for about four years. And the test was just
10 adjusted in September.

11 I know there were several -- as per staffing
12 issues, we do have one full-time content advisor, our
13 school safety and driver's education advisor that does
14 manage this, as well as, an administrative assistant. And
15 he and I speak probably on a daily basis and we've never
16 been, I've never been alerted as his direct supervisor that
17 we -- they were having any type of staffing issues and that
18 any application has been held up from our end, rather than
19 some of the other items.

20 And I guess with that, I'm sure maybe some of the
21 Chairman or people from the Committee --

22 MAJORITY CHAIRMAN HENNESSEY: Well, let me --
23 yeah, let me kick it off if I may.

24 DR. GASPER: By all means.

25 MAJORITY CHAIRMAN HENNESSEY: What we've -- well,

1 first of all, you say that if an application is received
2 and it's complete, it gets turned around within a day or
3 so. That doesn't sound like what we've been hearing from
4 the other testifiers, but maybe that's, you know, an
5 application as opposed to, you know, the follow-up testing
6 or whatever.

7 You say that there's, you know, one time a week
8 the testing is offered. By how many testers are available
9 say on a Thursday? Is it one person having to deal with 20
10 different applicants coming in to be tested? Is it ten
11 people there to be -- to test 20 people, whatever?

12 DR. GASPER: One. It's one administrator for
13 that week. So regardless --

14 MAJORITY CHAIRMAN HENNESSEY: So one person.

15 DR. GASPER: One person.

16 MAJORITY CHAIRMAN HENNESSEY: And how many
17 applications for testing do you get on a given week or --

18 DR. GASPER: There could be anywhere from two,
19 there could be anywhere from 12 to 20. It all kind of
20 depends on how well the training and how many people are
21 coming in --

22 MAJORITY CHAIRMAN HENNESSEY: Is the only test
23 that they come to Harrisburg for the written test?

24 DR. GASPER: Correct.

25 MAJORITY CHAIRMAN HENNESSEY: And that's a two

1 hour test?

2 DR. GASPER: Correct.

3 MAJORITY CHAIRMAN HENNESSEY: So if you have one
4 tester, can -- how many people can take the test with that
5 one tester on a given day?

6 DR. GASPER: That number is kind of exponential
7 because it's one test. The test is --

8 MAJORITY CHAIRMAN HENNESSEY: So you might have
9 40 people in a classroom?

10 DR. GASPER: You could.

11 MAJORITY CHAIRMAN HENNESSEY: Okay.

12 DR. GASPER: We could. Therefore, the test would
13 be collected, they're graded at that point, and our
14 instructor does go over some of the areas and they offer if
15 that person passed, of course, they wish them well and
16 they're handed the blue card in order to kind of move
17 forward. If they do not pass, then our instructor does go
18 through the areas of the test that -- where they were
19 deficient in. So they can point them in the right
20 direction.

21 MAJORITY CHAIRMAN HENNESSEY: So they grade them
22 on the spot like --

23 DR. GASPER: Correct.

24 MAJORITY CHAIRMAN HENNESSEY: Okay. And then, if
25 you have 40 people in a class, it's a little hard to -- for

1 one instructor to have those conversations with the people
2 who -- with what would it be --

3 DR. GASPER: Well --

4 MAJORITY CHAIRMAN HENNESSEY: -- the 30 people
5 who don't pass.

6 DR. GASPER: -- and I can -- and I think in a
7 situation like that, we've never had 40 people testing and
8 that turnaround time has never been an issue. We have had
9 -- if we're talking about this past year, there have been
10 three to five people at one testing situation. We have
11 never -- we do not get upwards of 40.

12 MAJORITY CHAIRMAN HENNESSEY: Yeah. I don't want
13 to belabor the issue, but it seems like you might be
14 talking on one level and these people are talking about on
15 another level because we're hearing people sometimes taking
16 weeks and months to get tested and passed and you're saying
17 no, it happens in a day. I mean, both of you can't be
18 right.

19 DR. GASPER: Well, one thing that we have not
20 heard of is instruction. And we can talk about tests and
21 the test is one thing, but the required amount of
22 instruction to even sit for that test is recommended at 105
23 hours and that's a national recommendation. So if people
24 are taking that or receiving that instruction and then
25 coming in to take the assessment, because you can't have --

1 both need to be in tandem when we're talking about
2 education.

3 So that's one thing that we didn't hear about
4 here today is the instruction. We're talking about the
5 test. And when we're discussing the test and there were
6 several situations that were brought up concerning the
7 testing sites. The testing sites, we have a plan to offer
8 additional testing sites coming up here in the near future.
9 We're looking at a testing site in Pittsburgh. We're
10 looking at, of course, continuing our testing site in
11 Harrisburg, and then a testing site in the southeastern
12 corridor right around Malvern, King of Prussia to offer
13 opportunities for schools to come to those sites, rather
14 than taking a 5 hour trip from Erie. We do -- we recognize
15 that and we've worked through some issues and worked
16 through some opportunities to have additional testing
17 sites.

18 We are also as we're talking about the test, we
19 are also as a department, looking at the entire test.
20 We've stripped down that test. We are looking to really
21 just make sure that that test is focusing in on the
22 imperative items that need to be -- and need and should be
23 part of a driver's education program. We are working with
24 PennDOT at this point. We're working with our assessment
25 folks within the Department and do we plan to have that

1 done in the near future.

2 So when we're talking about the test, that test
3 -- I've even taken the test because I'm an educator and I
4 wanted to look at that test, too. So there were many
5 things in that test that -- many items in that test that I
6 think we needed to just look at and that a comprehensive
7 review of the exam is underway.

8 MAJORITY CHAIRMAN HENNESSEY: I hope you were
9 part of the 18 percent that passed the first time you took
10 the test. I'm not going to put you on the spot and ask you
11 for an answer to that.

12 One other question I do have and then I'll let --

13 DR. GASPER: Sure.

14 MAJORITY CHAIRMAN HENNESSEY: -- other people ask
15 questions.

16 Do you acknowledge that the law archaic as it is
17 requires multiple testing sites across the state?

18 DR. GASPER: I will acknowledge that and I think

19 --

20 MAJORITY CHAIRMAN HENNESSEY: Okay. Well, with
21 that --

22 DR. GASPER: Yeah.

23 MAJORITY CHAIRMAN HENNESSEY: -- well then why
24 hasn't the Department of Education done it and now you're
25 saying well we're looking at that as a possibility, but is

1 that because Chris Quinn filed House Bill 1244 and you
2 think, oh, my God, you know, Legislature is going to look
3 at us, we better start to do what the law required us to do
4 all along.

5 DR. GASPER: Well, I can't speak for what has
6 happened in the past. I'm only with the Department since
7 -- I was working in the office for about six months and
8 then we working remotely. So what I can tell you is that
9 when this came to my attention, we have addressed that and
10 that that is a part of my purview and we're making sure
11 that that is absolutely an option. I can't speak for why
12 it hasn't been because of my time with the Department, but
13 I can tell you that we're moving forward with that.

14 MAJORITY CHAIRMAN HENNESSEY: I gather we've had
15 like 70 years to come around to get to it.

16

17 (Laughter.)

18

19 MAJORITY CHAIRMAN HENNESSEY: Not to put that on
20 your shoulders, I -- but, you know, this --

21 DR. GASPER: I --

22 MAJORITY CHAIRMAN HENNESSEY: -- that's plenty of
23 time. And Chairman Carroll will have some questions for
24 you.

25 DEMOCRATIC CHAIRMAN CARROLL: All right. I'm not

1 sure that adding a test site in Philadelphia and Pittsburgh
2 is going to solve this problem. We're just going to give
3 people other opportunities to go a different location and
4 fail a test.

5 And I looked at the numbers, Meredith has the
6 numbers here of the pass rate since September since the
7 readjustment. First time test takers, 12 out of 65 passed.
8 Overall pass which would include people who've taken more
9 than once 30 -- or 26 out of 79 for 33 percent. And you
10 mentioned that was a small sample and I'm not sure it's a
11 small sample, but I'll concede on that for the moment.

12 What was the pass rate prior to the adjustment?

13 DR. GASPER: I don't have those numbers with me
14 on hand. I can absolutely submit those at a later time if
15 you would prefer.

16 DEMOCRATIC CHAIRMAN CARROLL: Yeah. And I'm not
17 even sure 65 is a small sample. I have to tell you, if I
18 had a son or a daughter in a class at -- in college or high
19 school and I came to learn that 12 out of 65 passed the
20 test, I would have questions for the school and the
21 teacher. I would -- it -- you administer a test to 65
22 folks, there's going to be some to pass, but boy, it ought
23 to be -- and some that fail, but there should be more than
24 12 that pass it just seems to me.

25 The -- has -- does the Department want to keep

1 doing this?

2 DR. GASPER: I think the Department's purview is
3 that we acknowledge that there can be some changes made to
4 this and maintaining that there are -- the Department's
5 high quality of -- high qualities of education, that with
6 changes, it can -- many of the questions and concerns that
7 are brought here today can be remedied.

8 MAJORITY CHAIRMAN HENNESSEY: Because when I read
9 the Department's testimony, it doesn't sound like the
10 Department is going to go to the mattresses to keep this in
11 their bailiwick. And maybe you're not in a position to
12 answer this question, but it does seem fair to me that the
13 Department of Education has a whole lot of other really
14 important things to do when it comes to the education of
15 children and young adults in this state.

16 And so, I think Representative Quinn is onto
17 something here. And whether PennDOT is the recipient or
18 the Department of State as I suggested earlier, it just
19 seems to me that the folks in the Department of Education
20 probably have other really important things to worry about
21 when it comes to 500 school districts and all the other
22 associated K to 12 things that we do, not to mention higher
23 ed and pre-K.

24 So it's -- after what I've learned today, it
25 seems crystal clear to me that there has to be a change

1 here in some way, whether it's with PDE or whether it's
2 with some other state agency. And you can't have tests
3 that are being offered by the Commonwealth where 18 percent
4 pass. You just can't.

5 MAJORITY CHAIRMAN HENNESSEY: Thank you, Chairman
6 Carroll.

7 Representative Kinsey?

8 REPRESENTATIVE KINSEY: Thank you, Mr. Chairman.

9 And Dr. Gasper, I want to thank you for being
10 here as well and acknowledging the Department's openness to
11 work towards making this better.

12 My initial question was along the same line as
13 Chairman Carroll. You know, I was going to ask, you know,
14 aside from the sampling rate, what did, you know, did the
15 Department keep data in regards to the overall rate over
16 the past decade and so forth on and I think you sort of
17 touched on that that you don't have that information right
18 now.

19 But then also in your testimony, you mentioned
20 that the Department has approved, the Department has
21 approved 187 private driving training schools throughout
22 this program. Then I started thinking well if -- even
23 though we have 187, but if they're having issues, it
24 doesn't matter what the number, true number is because the
25 issue still exists whether it was 500 or even just 10,

1 they're still some problems with that.

2 Then you went on to talk about public schools
3 provide driver education programs in 64 of the 67 counties
4 and I appreciate that information as well. Representing
5 the City of Philadelphia where we have a multitude of
6 public schools, then I started thinking on a larger scale,
7 we provide services in 64 of the 67 counties. And so then
8 I start looking at the number of public schools throughout
9 Pennsylvania. It's 100 and -- 1,400 plus.

10 So then I say well, out of the, you know, since
11 you mentioned in your testimony about offering this in 64
12 of the 67 counties in public schools. How many actual
13 public schools are providing this training? I mean, I
14 recognize 64 out of 67 counties, but actually, how many
15 public schools? Do we have that number offhand?

16 And the reason I'm asking that is because now I
17 want to see if, you know, if there's been an increase or
18 decrease because of the fact that, you know, as folks
19 before you testified, there's a hard time getting folks
20 certified or trained. So I just wanted to see if there was
21 an increase or decrease in the number of trainers
22 throughout the public school systems. Do you know that
23 offhand?

24 DR. GASPER: I do not. And there's just --
25 there's a difference because trainers in public schools

1 need to be a certified teacher, whether it be driver's
2 education --

3 REPRESENTATIVE KINSEY: Okay.

4 DR. GASPER: -- they have to have that driver's
5 education certification which they can get going through
6 IUP program as a specific driver's education certified
7 person or if they're say elementary certified or physics
8 certified, they can take the test to be -- have that added
9 on to their certificate.

10 REPRESENTATIVE KINSEY: So just to be clear then,
11 the private schools, the gentleman who testified before
12 you, is their certification the same or is it different,
13 just I can have that understanding?

14 DR. GASPER: It's different. It is different.
15 People who are instructing in schools, in public schools
16 are certified teachers within the Commonwealth of
17 Pennsylvania.

18 REPRESENTATIVE KINSEY: If I were a certified
19 teacher instructing in public schools and let's say I
20 retire from the public schools, can I then take my license
21 to work in the -- with the private school industry?

22 DR. GASPER: I believe so, yes.

23 REPRESENTATIVE KINSEY: Okay. All right. This
24 is good to know. But thank you for again being here and
25 sharing that information.

1 Thank you, Mr. Chairman.

2 DR. GASPER: And if I can just -- thank you --

3 MAJORITY CHAIRMAN HENNESSEY: Let him first --

4 MR. MURPHY: All right. Mr. Chairman, I think he
5 was -- he wanted to add on something to --

6 DR. GASPER: May I just offer a clarification?

7 MAJORITY CHAIRMAN HENNESSEY: Go ahead.

8 DR. GASPER: Okay. The -- so the -- when we're
9 talking about the test, the test from September 2020
10 through March 2021 when we're talking about that 18 percent
11 pass rate --

12 REPRESENTATIVE KINSEY: Pass rate.

13 DR. GASPER: -- it's hard for us to compare it to
14 a test before because it's a different test. That test was
15 changed so it's a new test. So when we're looking at a
16 pass rate for the prior four years, it's a different test.
17 And I just wanted to clarify that.

18 REPRESENTATIVE KINSEY: Well, Mr. Chairman, then
19 let me ask this. So do we have the pass rate for the
20 previous test before it was changed?

21 DR. GASPER: I do not have those numbers in front
22 of me, but I can offer those at --

23 MAJORITY CHAIRMAN HENNESSEY: Mike, do you have
24 something to add?

25 DEMOCRATIC CHAIRMAN CARROLL: But the curriculum

1 didn't change.

2 DR. GASPER: Right.

3 DEMOCRATIC CHAIRMAN CARROLL: The curriculum is
4 still the same.

5 DR. GASPER: That is correct.

6 DEMOCRATIC CHAIRMAN CARROLL: And just to be
7 certain, when I asked you about the pass rate for the prior
8 group before the adjustment, did I hear you say that you
9 were going to get that for us?

10 DR. GASPER: I will gladly submit that, sure.

11 DEMOCRATIC CHAIRMAN CARROLL: Okay. That's
12 important.

13 DR. GASPER: Right.

14 DEMOCRATIC CHAIRMAN CARROLL: Because it just --
15 I won't -- I guess I will repeat myself. You can't have 18
16 percent of the folks taking the test for the first time
17 fail. And the curriculum hasn't changed.

18 DR. GASPER: That is right.

19 DEMOCRATIC CHAIRMAN CARROLL: And so, there's
20 that.

21 MAJORITY CHAIRMAN HENNESSEY: Thank you.
22 Representative Heffley?

23 REPRESENTATIVE HEFFLEY: Thank you, Mr. Chairman.

24 And Mr. Gasper, it's great to see you again. I
25 remember your time back at the Jim Thorpe School District.

1 DR. GASPER: Absolutely. Good to see you.

2 REPRESENTATIVE HEFFLEY: I think we had a couple
3 of conversations back then. So it's great to see you and
4 congratulations on this position.

5 With that said, a couple of quick questions. I
6 jotted down some notes.

7 So Department of Ed is authorizing this test.
8 And I don't think it's just -- it's not just the Department
9 of Education. One thing I've heard from a lot of different
10 licensing boards and people that are going to a test,
11 especially nursing students, it's very difficult to get in
12 with the state to get it -- to get a test, to sit down and
13 get a test. And the testing is whether a difficult test or
14 not, just the process and going through that to get in can
15 be difficult and should be streamlined.

16 It does kind of make sense to have it under
17 PennDOT to a degree. I mean, I know back in the day when I
18 was in high school many years ago, when there was still a
19 clutch in cars back in the day, we had the driver education
20 class. It was actually a class, you sat in the class and
21 you could sign up to do the on-the-road driver.

22 DR. GASPER: Yep.

23 REPRESENTATIVE HEFFLEY: So with the testing,
24 we're talking about these are driver education instructors
25 and that would both be in the class and on the road with

1 student drivers.

2 DR. GASPER: Correct.

3 REPRESENTATIVE HEFFLEY: Okay. And as we can
4 see, and I was surprised that last year, I think the fatal
5 accident rate in Pennsylvania actually went up, if I'm not
6 mistaken. I'm not sure on that. Over the last year, it
7 was kind of surprising with COVID, but we're seeing
8 definitely the need for that. I mean, especially if you
9 have children with parents that maybe don't drive and can't
10 instruct their children how to drive or just those
11 different safety tips. So driving nowadays is much
12 different than what it was a few years ago, all the
13 distractions in the cab.

14 So I think it's really important that we get
15 these folks trained and make it a seamless process to get
16 the folks that want to do this type of work into the
17 vehicles with young drivers teaching them how to drive.

18 I drove many miles and went through a third party
19 agency to get my commercial license years ago. And some of
20 the things that I learned in those classes and from the
21 drivers that were senior to me when I was out on the road
22 are things that saved, probably saved my life many times
23 over on the road and the lives of many others. So it's
24 really important that these types of programs go on.

25 So with that said, I know you said you're looking

1 at ways to reform it. What about online testing? I mean,
2 you can get a master's degree by taking tests online. My
3 daughter got a bachelor's degree and did a lot of her
4 classes online. And why do we have -- we have sit down
5 sites in Pittsburgh, Hershey, or you said Malvern. But if
6 you're from Erie, you know, that's a heck of a drive to any
7 of those locations, plus it's just an inconvenience. And I
8 don't expect that driver education instructors make a whole
9 lot of money, but why -- is the Department looking at
10 collaborating to maybe put these online?

11 Because want to make sure that -- the testing
12 shouldn't be an obstacle. The testing should be okay, this
13 person is qualified and we want to get them out there to
14 train. But is there avenues that are being pursued to try
15 to do this online or streamline or maybe like an online
16 course to take before they go take the test?

17 DR. GASPER: Well, I think right now, we're
18 looking at the test comprehensively. And an online test,
19 you know, there are several barriers that might come with
20 an online test. We're not necessarily opposed to that, but
21 we believe that the quicker remedy to this would be a
22 comprehensive review of the exam to look at that
23 examination and then get some data with on -- within that
24 exam with test takers when that's actually implemented and
25 then look down the road for the possibility of an online

1 test.

2 REPRESENTATIVE HEFFLEY: Are there -- in other
3 states, how -- are there other models that we could look at
4 or other states where they have a different model and more
5 streamlined process for this?

6 DR. GASPER: I don't have that information for
7 you, Representative Heffley, I don't, but I can definitely
8 -- we can definitely look into that. Well, you know, I
9 think at this rate when we're looking at -- when we're
10 talking about an antiquated law, we're looking at really
11 ramping up here and making some change and that's making a
12 change for the better.

13 REPRESENTATIVE HEFFLEY: Well, thank you for your
14 testimony today.

15 And I thank the prime sponsor of the bill. I
16 think this definitely something that we need to address and
17 try to get as many of these driving schools up and running.

18 Thank you.

19 MAJORITY CHAIRMAN HENNESSEY: Thank you, Doyle.
20 Representative Kaufer?

21 REPRESENTATIVE KAUFER: Thank you, Mr. Chairman.
22 And Representative Carroll, I think you showed your roots
23 that you're from the city with a P in it, being Pittston
24 when you're talking about going to the mattresses. So you
25 certainly were true to your roots there, but my --

1 DEMOCRATIC CHAIRMAN CARROLL: Be careful.

2

3 (Laughter.)

4

5 REPRESENTATIVE KAUFER: That my question for you
6 was I heard that somebody in one of the previous
7 testimonies described this as a high school equivalency
8 exam or something along those lines. Is that the view of
9 the Department that this is a high school equivalency?

10 DR. GASPER: No.

11 REPRESENTATIVE KAUFER: No?

12 DR. GASPER: No.

13 REPRESENTATIVE KAUFER: Is that at all
14 characterized through the law or any -- that's not your
15 view of it? That's not a --

16 DR. GASPER: I mean, a high school equivalency
17 exam would be like a GED --

18 REPRESENTATIVE KAUFER: Right, right, right.

19 DR. GASPER: -- or something of this, of
20 something of that nature. What I would say is that the
21 information is correct that it was a 100 question, multiple
22 choice exam that is initiated to take about two hours.

23 REPRESENTATIVE KAUFER: Okay.

24 DR. GASPER: Whether --

25 REPRESENTATIVE KAUFER: I thought I heard that

1 somewhere. I wrote it down, so I was just trying to get
2 that clarification. And is there -- so what's the
3 percentage of a pass rate out of those 100 questions? Is
4 it 70 percent? Is it 80 percent?

5 DR. GASPER: 70.

6 REPRESENTATIVE KAUFER: 70.

7 DR. GASPER: 70 and above, yep.

8 REPRESENTATIVE KAUFER: Thank you.

9 MAJORITY CHAIRMAN HENNESSEY: Representative
10 Hohenstein?

11 REPRESENTATIVE HOHENSTEIN: Thank you, Chair.

12 I just got a couple different questions.

13 We were hearing before that this test isn't
14 shared or there's not sample tests, not -- there's no --
15 the idea of having materials to prepare really isn't
16 something that is occurring in this test. And I know when
17 I took the bar, we had plenty of samples.

18 Is that an accurate description and if it is, why
19 aren't you providing the -- that type of material out to
20 folks before they take it?

21 DR. GASPER: So the majority of the questions in
22 the current test, 50 percent of those questions, 50
23 questions come from the PA Driver's Manual. There's
24 another 15 to 20 or I'll say 18, that come from the PA
25 Enhanced Driving Manual. The other questions are meant to

1 be taught by the professional driving school. So when
2 you're looking at, when we're talking about the majority of
3 that exam, 50 percent of that exam is from the Pennsylvania
4 Driving Manual.

5 REPRESENTATIVE HOHENSTEIN: And but there's a
6 significant amount that you're saying is sort of a little
7 bit more freelance like about 35 percent --

8 DR. GASPER: Not necessary. The majority of the
9 exam, it was indicated that there's 1,000 pages.

10 REPRESENTATIVE HOHENSTEIN: Right.

11 DR. GASPER: That's not necessarily the case.

12 The PA Driver's Manual is 100 pages --

13 REPRESENTATIVE HOHENSTEIN: Yeah.

14 DR. GASPER: -- 125 pages. And then there's
15 another manual which is that -- the Enhanced Driving Manual
16 which really, most of the questions are only coming from
17 Modules 1 and 2, which equates to about 85 pages. So the
18 other items that are offered and recommended are
19 supplemental, not necessarily part of the exam.

20 REPRESENTATIVE HOHENSTEIN: Okay.

21 DR. GASPER: And there's a lot of crossover
22 between many of the supplemental items as well.

23 REPRESENTATIVE HOHENSTEIN: All right. I would
24 still say that's a fairly significant amount that sort of
25 not in a generally digestible format.

1 The final question I have is when you were
2 talking about certified teachers in high schools being able
3 to do this, did the test that those -- what is the test
4 that those people take and how does it compare to the one
5 that the private instructors are required to take?

6 DR. GASPER: The test that teachers need in order
7 -- need to take in order to be certified --

8 REPRESENTATIVE HOHENSTEIN: Yes.

9 DR. GASPER: -- that's a teacher exam. So that
10 pass rate, it's different from this test because that adds
11 on a certification to their certificate. The pass rate for
12 that, I just actually asked earlier that the teachers who
13 are looking to add that onto their certificate, that they
14 have an 88 percent pass rate.

15 REPRESENTATIVE HOHENSTEIN: Is -- and is that the
16 same test that's provided to the private or --

17 DR. GASPER: It is not.

18 REPRESENTATIVE HOHENSTEIN: -- that's a different
19 --

20 DR. GASPER: It's different.

21 REPRESENTATIVE HOHENSTEIN: Okay. How is it
22 different?

23 DR. GASPER: Well, it's offered -- that is based
24 off of the program at IUP. It's based off our state
25 standards and it's also based off of -- it's created by a

1 company, Praxis, who administers that test in order to be
2 certified. So Praxis, essentially, creates tests for all
3 certifications within Pennsylvania. That test is actually
4 harder, more difficult than this test.

5 REPRESENTATIVE HOHENSTEIN: But then why is the
6 pass rate so much higher?

7 DR. GASPER: Because in order to -- that I can't
8 necessary ask, but I think I can go back to saying much of
9 the instruction and -- is taking place that people are
10 training or taking courses in order to be certified.

11 REPRESENTATIVE HOHENSTEIN: Okay.

12 DR. GASPER: That's the difference.

13 REPRESENTATIVE HOHENSTEIN: All right, thank you.

14 Thank you, Mr. Chair. I have nothing further.

15 MAJORITY CHAIRMAN HENNESSEY: Thank you, Joe.

16 Mike?

17 DEMOCRATIC CHAIRMAN CARROLL: Just for
18 clarification. Does the current law allow the Department
19 to do an online test if you wanted to?

20 DR. GASPER: I would say yes. I don't think --

21 DEMOCRATIC CHAIRMAN CARROLL: So the law -- a law
22 written in 1950 contemplated online testing? I mean,
23 that's --

24 DR. GASPER: Well, I think a test, you know, a
25 test is a test. And up until, you know, before online

1 testing, I don't think there's anything in the law that's
2 saying we can't necessarily have it.

3 DEMOCRATIC CHAIRMAN CARROLL: So you're saying
4 nothing prevents you from doing that?

5 DR. GASPER: I don't believe so.

6 DEMOCRATIC CHAIRMAN CARROLL: Okay. And then,
7 what is an Enhanced Driver Manual?

8 DR. GASPER: And Enhanced Driver's Manual, that's
9 another guide that has been created. That's like the
10 curricular guide for --

11 DEMOCRATIC CHAIRMAN CARROLL: Created by the
12 Department of Education?

13 DR. GASPER: Yes.

14 DEMOCRATIC CHAIRMAN CARROLL: And that's made
15 available widely to the --

16 DR. GASPER: Absolutely.

17 DEMOCRATIC CHAIRMAN CARROLL: -- aspirants for
18 this license?

19 DR. GASPER: Correct.

20 DEMOCRATIC CHAIRMAN CARROLL: Okay. Thank you.

21 MAJORITY CHAIRMAN HENNESSEY: Okay. Thank you.

22 Kyle, Representative Kyle Mullins is joining us
23 virtually. So Kyle, you have a question to direct to Dr.
24 Gasper?

25 REPRESENTATIVE MULLINS: Yes, thank you, so much.

1 I appreciate the Committee's indulgence while I participate
2 remotely.

3 While in transit and using a hands-free device as
4 a disclaimer, I -- it sounds as if we are honing in on the
5 solution and that there's some global agreement on the need
6 to do -- revise what we're doing.

7 Representative Heffley, his question got me
8 thinking and he's absolutely right. There are certainly
9 more distractions in the hands of our young people now.
10 You know, I -- it would be my preference that on the next
11 iteration of a test, we would be teaching instructors and
12 ultimately students that it would be a primary offense,
13 rather than a secondary one, but that's simply a tangential
14 legislative matter on a bill that is before the
15 Legislature.

16 Relative to the former test and the one currently
17 under discussion, is there a component or a distracted
18 driver element?

19 DR. GASPER: I'm sorry, can you repeat?

20 REPRESENTATIVE MULLINS: Yeah. On the current
21 test that's before our -- before us for discussion today is
22 there a component relative to these new and ever-expanding
23 distractions to the ultimate, you know, the ultimate
24 students who are being instructed?

25 DR. GASPER: I would say that it, you know, being

1 distracted, distracted driving is embedded in probably most
2 of the test that it can, you know, good -- best practices
3 within proper driving maintains that you're not being
4 distracted and that's -- it's embedded in an underlying
5 tone of just about every question.

6 REPRESENTATIVE MULLINS: Thank you very much.

7 MAJORITY CHAIRMAN HENNESSEY: Thank you, Kyle.

8 Doctor, did I hear you say there's an 80 percent
9 plus pass rate if you go through the program at IUP for
10 those teachers who went through the program at IUP? They
11 pass it at a clip of 80 percent plus?

12 DR. GASPER: For teachers who have either gone
13 through that program or are adding on to their certificate,
14 there's an 88 percent pass rate, yes.

15 MAJORITY CHAIRMAN HENNESSEY: And yet as a block,
16 private school, private driving school applicants, they
17 pass it at 18 percent pass rate?

18 DR. GASPER: Since September.

19 MAJORITY CHAIRMAN HENNESSEY: In September.

20 DR. GASPER: In the midst of a pandemic.

21 MAJORITY CHAIRMAN HENNESSEY: Has anybody -- I
22 mean, has anybody taken an objective look at the test to
23 see whether or not they are equally difficult or, you know,
24 is one easier to --

25 DR. GASPER: Well --

1 MAJORITY CHAIRMAN HENNESSEY: Common sense would
2 tell you that if one group's failing or failing 82 percent
3 of the time and the other group's passing 85 percent of the
4 time, it might be a different test, so they might just get
5 a much superior education at IUP.

6 DR. GASPER: Well, I think --

7 MAJORITY CHAIRMAN HENNESSEY: What other
8 possibilities are out there that I'm not getting?

9 DR. GASPER: I think there's two things coming
10 down to that. Yes, there's a difference. Yes, there's an
11 88 percent pass rate, but there are classes that should be
12 taken in order to get to that point. And we're talking
13 about instruction. And I alluded to it before, that the
14 recommended time that professional driving schools should
15 be training their people prior to taking our exam is 105
16 hours.

17 MAJORITY CHAIRMAN HENNESSEY: Right.

18 DR. GASPER: We believe --

19 MAJORITY CHAIRMAN HENNESSEY: And are you saying
20 that they're not? They're sending them in before they're
21 ready or before they've completed that timeframe?

22 DR. GASPER: I think there's a high possibility
23 of that, but that's my personal opinion. If you went
24 through 105 hours of training and you looked at that manual
25 and you looked through the enhanced driving program,

1 there's an absolutely possibility that rather if there's
2 instruction happening, rather than saying here's a manual
3 and go take the test, there's two different things.

4 Instruction is a --

5 MAJORITY CHAIRMAN HENNESSEY: Okay.

6 DR. GASPER: -- major piece of it.

7 MAJORITY CHAIRMAN HENNESSEY: As this bill goes
8 through the process, I'm sure we'll get some more clarify
9 from that.

10 With that, I don't -- are there any other
11 questions? I don't see any. Thank you very much, Doctor
12 for your testimony. And you alluded several times in your
13 testimony that you could fill, you know, give -- provide
14 answers to questions that you didn't have the information
15 for now. Please do that in writing to us and we'll get --
16 make sure the Members get it and get copies of it.

17 DR. GASPER: I absolutely will.

18 MAJORITY CHAIRMAN HENNESSEY: Okay.

19 DR. GASPER: And I have how many schools offer
20 training programs across the Commonwealth and what the pass
21 rate is for the past several years of the test.

22 MAJORITY CHAIRMAN HENNESSEY: Okay.

23 DR. GASPER: And if there's anything else, let me
24 know.

25 MAJORITY CHAIRMAN HENNESSEY: Thank you.

1 DR. GASPER: Thank you all for your time today,
2 appreciate it. Have a good day.

3 MAJORITY CHAIRMAN HENNESSEY: Thank you, you,
4 too.

5 DR. GASPER: Thanks.

6 DEMOCRATIC CHAIRMAN CARROLL: What was your role
7 at Jim Thorpe School District?

8 DR. GASPER: I was Superintendent of Schools.
9 And we did not have driver's ed at school.

10

11 (Laughter.)

12

13 MAJORITY CHAIRMAN HENNESSEY: Okay. Our final
14 testifier today is Kara Templeton who's the Director of the
15 Bureau of Driver Licensing at PennDOT.

16 MS. TEMPLETON: Good afternoon.

17 MAJORITY CHAIRMAN HENNESSEY: Good afternoon.

18 MS. TEMPLETON: I'll pull this a closer.

19 MAJORITY CHAIRMAN HENNESSEY: Kara, if you'll
20 please raise your right hand.

21

22 (Oath administered.)

23

24 MAJORITY CHAIRMAN HENNESSEY: Thank you.

25 MS. TEMPLETON: You're welcome.

1 So good afternoon. My name is Kara Templeton.
2 I'm the Director of Driver Licensing for the Pennsylvania
3 Department of Transportation. And on behalf of Secretary
4 Gramian, I do want to say thank you for giving me the
5 opportunity to provide our thoughts regarding House Bill
6 1244.

7 My testimony was already submitted, however, I
8 would like to take this time just to highlight some of the
9 items that were provided in that testimony.

10 I'd first like to start by describing PennDOT's
11 role. And where our expertise lies is in the
12 administration of the testing of those applicants that wish
13 to have a driver license. So we provide the knowledge
14 testing and we provide the driver skills testing to ensure
15 those can safely operate a motor vehicle on our roadways.

16 So PennDOT does not play a role in developing the
17 curriculum and we have no expertise in that. And in
18 hearing the testimony today, I cannot offer any insight
19 into what may be going right in the process or what may be
20 going wrong in the process because PennDOT does not have
21 any role currently as it relates to the curriculum and the
22 oversight of the educational activities in the licensing of
23 the teachers.

24 So you may find that my testimony may be very
25 boring today because our testimony is in reference to

1 really looking at the language of House Bill 1244. So
2 hopefully, I can provide some insight on the Department's
3 thoughts towards that.

4 So there are two sections in that bill that as
5 drafted, speak to applicability. So I just wanted to bring
6 up that it's likely those two subsections may have to be
7 combined or perhaps may need different titles since there
8 are two separate sections within that both titled
9 Applicability.

10 The term abbreviated license process is also used
11 within the bill. However, it's unclear to the Department
12 of Transportation what an abbreviated license process means
13 and what that may entail. So I just wanted to let you know
14 that there's a little bit of clarity needed from our
15 perspective to understand that.

16 I did also want to let you know that there are
17 multiple subsections that refer to a physical examination.
18 And when that referral is being made, it's referring to
19 Section 1508.1. The physical examination part which is in
20 1508.1, deals with that medical physical exam. So that's
21 the part that's being done by medical professionals such as
22 physicians and certified nurse practitioners,
23 chiropractors.

24 So I think if the intent is to refer to the
25 physical -- giving the driver skills examination, I just

1 wanted to let you know that that may need to be clarified
2 and those references may need to be amended.

3 PennDOT would -- there's a section of the bill in
4 1508.2(c)(3), that would require PennDOT to have multiple
5 driver education instructor testing locations that
6 strategically include all regions of the Commonwealth. And
7 I know that that was a topic that was being discussed here
8 today before I had the opportunity to speak.

9 To us, we don't understand what a region of the
10 Commonwealth is or how many facilities may be required,
11 should PennDOT be required to provide these services. So
12 we would just need to understand what a region of the
13 Commonwealth is. And we also are unable to estimate a
14 potential cost associated with having those facilities in
15 all regions when we don't know exactly how many there would
16 be.

17 There's also a section in the bill that prohibits
18 a driver education instructor from administering a third
19 party driver licensing exam. So PennDOT right now does
20 contract with some third parties to offer non-CDL skills
21 testing. For those individuals that we contract with,
22 there is a stipulation in their contracts that states that
23 somebody who's giving a test to an applicant, cannot be the
24 same individual that instructed them if they are an
25 instructor.

1 I did also just want to point out that you can be
2 a driver instructor without being a driver -- a tester or
3 examiner. And likewise, you can be an examiner under the
4 PennDOT's program without being a driver education
5 instructor. So I did just want to let you know that
6 there's that distinction. And again, our expertise lies on
7 that testing side.

8 It's also unclear why an applicant for a driver
9 education instructor license should take both PennDOT's
10 course that's being required in this bill and the course
11 offered by the applicant's potential employer. I don't
12 understand what the difference of those curriculums are or
13 those courses, so any clarification that could be provided
14 there would be beneficial.

15 And Section 1508.2(c)(7), sorry, about the
16 specificity requires a driver education instructor to pass
17 physical driving examination in order to obtain a
18 Department issued license when the individual has an excess
19 number of points under Section 1535 which relates to a
20 person having points on their driver record.

21 I just wanted to note, we don't know what is
22 being looked at as an excess number of points. And if
23 somebody does reach whatever level that is, the bill does
24 not speak to what action then the Department needs to take
25 or how soon they would need to take this examination. And

1 again, the physical examination is that the medical part or
2 is that the driving test?

3 And finally, PennDOT's assessment of this bill,
4 we conclude that it would take about 20 months to implement
5 House Bill 1244 as proposed at a cost of about \$400,000 for
6 the first year and \$300,000 annually thereafter. And
7 again, that does take into consideration any facility
8 requirements where we would have to obtain and use
9 facilities across the Commonwealth.

10 So that concludes my testimony. I thank you for
11 the opportunity to speak and I'd be happy to take any
12 questions that you may have for the Department of
13 Transportation as it relates to this matter.

14 MAJORITY CHAIRMAN HENNESSEY: Thank you, Kara,
15 for your testimony.

16 I have one question. The estimated cost of
17 \$400,000 startup for the first year and \$300,000 annually
18 for each year thereafter --

19 MS. TEMPLETON: Sure.

20 MAJORITY CHAIRMAN HENNESSEY: -- how many staff
21 is that --

22 MS. TEMPLETON: Right.

23 MAJORITY CHAIRMAN HENNESSEY: -- in the formula
24 somebody used to get \$300,000 on an ongoing basis --

25 MS. TEMPLETON: Yes.

1 MAJORITY CHAIRMAN HENNESSEY: -- how many staff
2 were devoted to this kind of certification of drivers?

3 MS. TEMPLETON: Right. So again, based upon what
4 we saw in this analysis, and I did speak to some things
5 needing to be clarified for us, but when we went through
6 our estimating process, we thought we would need three
7 staff members, I believe. One, obviously, a manager to
8 oversee the process. There's a lot of oversight that would
9 need to occur there. And there would also be clerical
10 activities associated with what would be required in the
11 bill, so clerical staff was included as well.

12 MAJORITY CHAIRMAN HENNESSEY: Okay. Thank you.

13 MS. TEMPLETON: You're welcome.

14 MAJORITY CHAIRMAN HENNESSEY: Mike, do you have a
15 question? Go ahead.

16 DEMOCRATIC CHAIRMAN CARROLL: Not a question,
17 just an observation.

18 MS. TEMPLETON: Yes.

19 DEMOCRATIC CHAIRMAN CARROLL: It seems crystal
20 clear to me that PennDOT really has no interest in doing
21 this and no expertise in doing this.

22 MS. TEMPLETON: Right.

23 DEMOCRATIC CHAIRMAN CARROLL: And I would suggest
24 to the sponsor and other supporters that some other route
25 be considered, namely, the Department of State.

1 MS. TEMPLETON: I appreciate that.

2 MAJORITY CHAIRMAN HENNESSEY: And if I could just
3 follow up on that question. If -- is PennDOT prepared to
4 just give up its entire, you know, position or --

5 MS. TEMPLETON: It's --

6 MAJORITY CHAIRMAN HENNESSEY: -- part of this
7 process where if we took the suggestion of the Chairman and
8 sent it to the Department of State, would PennDOT still
9 have to be involved since we're talking about driver
10 education --

11 MS. TEMPLETON: Right, so --

12 MAJORITY CHAIRMAN HENNESSEY: -- and driver
13 licensing?

14 MS. TEMPLETON: -- that's exactly what I wanted
15 to draw was the distinction. The education component,
16 PennDOT does not have involvement in that process.

17 MAJORITY CHAIRMAN HENNESSEY: All right.

18 MS. TEMPLETON: There is one part where as a
19 Department of Education requirement that the individuals go
20 through a driving exam at a PennDOT location and we
21 administer that because we administer driving tests, but
22 that's not our requirement for them. We are specific to
23 the testing components.

24 That's why when we have third party testers and
25 some the driving schools that were here today are in that

1 business and have driver testers as well, that's where our
2 expertise lies, to make sure in the administering of the
3 tests, that an individual is prepared to operate a vehicle
4 safely on the roadways.

5 So to, just to comment on that, it's really just
6 not our area of expertise from the educational component
7 side. And I don't say that PennDOT would really be giving
8 up anything in terms of what we would be involved in now
9 because we are not involved in that educational component.

10 So hopefully, that provides clarification.

11 MAJORITY CHAIRMAN HENNESSEY: Okay. Thank you
12 very much for your testimony.

13 MS. TEMPLETON: You're very welcome.

14 MAJORITY CHAIRMAN HENNESSEY: Doyle Heffley has a
15 question for you.

16 REPRESENTATIVE HEFFLEY: So the instructor or the
17 testers at PennDOT if you can -- are lucky enough to get in
18 to get a driver test at PennDOT, those instructors are --
19 what is -- how are they qualified? Who qualifies them?
20 What test do they pass in order to be a tester through
21 PennDOT? Are they certified by PennDOT? Are they
22 certified by the Department of Education? Who certifies
23 them and what test do they take?

24 MS. TEMPLETON: Sure. It is training that we
25 provide to them, PennDOT. They have to go through content

1 parts of training. There's the whole co-scoring part of
2 training with examiners just to make sure that they are
3 capable of taking -- being able to administer those tests.
4 So it's training that on the part of Pennsylvania
5 Department of Transportation, not Education.

6 REPRESENTATIVE HEFFLEY: So the third party
7 agencies that do testing --

8 MS. TEMPLETON: Yes.

9 REPRESENTATIVE HEFFLEY: -- because I -- when I
10 got my commercial license, I went through a third party
11 company to do the test. Do those testers have to pass that
12 program that you're referring to as well?

13 MS. TEMPLETON: They do have to meet contractual
14 requirements which again, our employees would not have. So
15 A, there are contractual requirements in the contract that
16 the examiner and the testers would have to meet. In
17 addition to that, they do have to go through a training
18 process with PennDOT to become approved to be an examiner.

19 REPRESENTATIVE HEFFLEY: So you already are
20 running a training program for third party people to get
21 their license to be a tester for PennDOT?

22 MS. TEMPLETON: We don't license them, we just --
23 we approve them to be --

24 REPRESENTATIVE HEFFLEY: Yeah, approve them,
25 approve them.

1 MS. TEMPLETON: Right. We do a professional
2 licensing --

3 REPRESENTATIVE HEFFLEY: So they -- you don't
4 have to be licensed through the state to approve somebody
5 that takes a driver's test?

6 MS. TEMPLETON: I cannot speak to professional
7 licensing. I can talk to being a PennDOT approved
8 examiner.

9 REPRESENTATIVE HEFFLEY: So PennDOT approved
10 examiners.

11 MS. TEMPLETON: Yes.

12 REPRESENTATIVE HEFFLEY: So the person at PennDOT
13 at the DMV that gives a driver's test. They're not
14 licensed by the state, they're just approved through
15 PennDOT?

16 MS. TEMPLETON: Right, they're employed. They
17 don't have a --

18 REPRESENTATIVE HEFFLEY: Yeah.

19 MS. TEMPLETON: -- professional licensure, to my
20 knowledge.

21 REPRESENTATIVE HEFFLEY: But if you're a third
22 party tester, you don't have to have a license, you just
23 have to be approved by PennDOT to --

24 MS. TEMPLETON: To be a tester?

25 REPRESENTATIVE HEFFLEY: -- be a tester?

1 MS. TEMPLETON: That's correct.

2 REPRESENTATIVE HEFFLEY: Okay. So the testers --

3 MS. TEMPLETON: To my knowledge. I don't know
4 there are other Department of State requirements though,
5 however. I can't speak to that part.

6 REPRESENTATIVE HEFFLEY: And PennDOT, now you do
7 a lot of testing right now and you provide training
8 manuals, right, PennDOT drivers manuals. So if somebody
9 wants to go get their driver's license, looks at that
10 manual and studies that manual and then goes and gets --
11 they can get their driver's license, they can get their
12 HAZMAT, they can get their doubles and triples, and
13 airbrake tests and everything. Everything is spelled out.
14 What's, you know, the -- what they're going to study, what
15 they need to know to take the test. You then administer
16 those tests through a computer at the DMV, right? You can
17 sit a computer screen and you take that test.

18 MS. TEMPLETON: Part of it -- yes. Part of it is
19 the knowledge test, part of it is in the on-the-roads --

20 REPRESENTATIVE HEFFLEY: Yes, the on-the-road.

21 MS. TEMPLETON: Yeah.

22 REPRESENTATIVE HEFFLEY: So there's two different
23 tests, but --

24 MS. TEMPLETON: Yes.

25 REPRESENTATIVE HEFFLEY: -- the testing, the

1 testing like the knowledge test is done through like on
2 either -- I don't know if it's done online or just you have
3 to go to the DMV to that still to this day, right?

4 MS. TEMPLETON: Yes, that's correct.

5 REPRESENTATIVE HEFFLEY: You can't just login.

6 MS. TEMPLETON: That is correct.

7 REPRESENTATIVE HEFFLEY: All right. So it seems
8 like you already have a process. I mean, I went through
9 that process. And I think there's a process in place for
10 that. And I think what, you know, if we could maybe
11 overlap some of what you do already with the PDE to make it
12 easier. Like I said, I think it's important that if folks
13 want to, you know, especially retired police officers or
14 somebody that has a lot of driving experience wants to take
15 that time and join the workforce and do that, why we -- I'm
16 sure that we could streamline the process. I don't think
17 it would be out of the realm, out the wheelhouse of PennDOT
18 because you already are doing all of that. You're already
19 making -- you're already providing manuals to people that
20 are taking the test. So you are essentially almost
21 instructing through your manuals what drivers need to do to
22 pass the test.

23 MS. TEMPLETON: Well, I do want to --

24 REPRESENTATIVE HEFFLEY: So I don't think it's
25 totally out of the wheelhouse.

1 MS. TEMPLETON: Yeah.

2 REPRESENTATIVE HEFFLEY: So I -- and I think
3 that's, you know, I think we can hopefully expand upon that
4 and maybe do some partnering, but I would like to see this
5 process, obviously, get streamlined. It is something I
6 hear all the time in my district office was that the wait
7 times that folks have to go through to get, you know, their
8 child or anybody that wants to get a driving test. So
9 having these third party agencies administer the test, but
10 also having them do the training, I think is something
11 that's critical and I think it is an added safety --

12 MS. TEMPLETON: Right.

13 REPRESENTATIVE HEFFLEY: -- to the road.

14 MS. TEMPLETON: And I appreciate your comments,
15 Representative. I do just want to again make sure that I
16 put this point forward that you're correct that our
17 expertise is in testing driver license applicants to make
18 sure that they are roadworthy and are going to be safe to
19 operate on the roads. PennDOT does not test for
20 educational reasons in terms of instructors [sic]. We
21 don't -- or instructors. We don't have our -- we don't
22 have the expertise in training methodology, so any testing
23 that includes any of those components, again, would be
24 outside of our expertise.

25 REPRESENTATIVE HEFFLEY: Sure.

1 MS. TEMPLETON: And I had heard today that that
2 may be part of their testing. I'm not saying that that may
3 not be part of the future testing, I'm only telling you
4 what PennDOT's expertise is at this time.

5 REPRESENTATIVE HEFFLEY: But who does the
6 manuals? Who does your driver's manuals for you? Do you
7 have a third party agency?

8 MS. TEMPLETON: We do the driver's --

9 REPRESENTATIVE HEFFLEY: Or do you have in-house
10 folks that provide that --

11 MS. TEMPLETON: We do --

12 REPRESENTATIVE HEFFLEY: -- those educational
13 manuals.

14 MS. TEMPLETON: Right. We do the Pennsylvania
15 Driver's Manuals, the enhanced manual, that I heard
16 mentioned today, I -- we do not have anything to do with.
17 It's my understanding that Department of Education does
18 that for the instructional components. But for the
19 driver's manual, yes, that is something that PennDOT
20 provides.

21 REPRESENTATIVE HEFFLEY: Okay. So there is some
22 working with the Department of Ed and PD and PennDOT to --
23 okay. All right. Thank you.

24 MS. TEMPLETON: You're welcome. Thank you.

25 MAJORITY CHAIRMAN HENNESSEY: Seeing no one else

1 I ask -- seeking to ask questions, so I'll turn to
2 Representative Quinn to wrap this up.

3 MS. TEMPLETON: Sure.

4 REPRESENTATIVE QUINN: Secretary Templeton, I
5 just want to say thank you for being here today. I think
6 that you made some valid points as far as the legislation
7 specifically, things that to be cleaned up, and I look
8 forward to working with you to try to clean up those
9 issues. Anyway, again, thank you very much for your
10 testimony.

11 Mr. Chairman?

12 MAJORITY CHAIRMAN HENNESSEY: Okay. Thank you.

13 Thank you to all our testifiers today. Thank you
14 to our Members for your attention and for your questions.
15 And Kara, your testimony was nowhere near as boring as you
16 thought it was going to be.

17

18 (Laughter.)

19

20 MAJORITY CHAIRMAN HENNESSEY: Thank you. And
21 with that, we are adjourned.

22 (The hearing concluded at 3:40 p.m.)

1 I hereby certify that the foregoing proceedings
2 are a true and accurate transcription produced from audio
3 on the said proceedings and that this is a correct
4 transcript of the same.

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