February 2018

**Entry-Level Driver Training Curriculum/Program (ELDT)**

As many of you may be aware, the Federal Motor Carrier Safety Administration has published a new rule that has a compliance date of February 7, 2020. This rule is in response to a Congressional mandate imposed under the “Moving Ahead for Progress in the 21st Century Act” (MAP-21). The final rule incorporates performance-based concepts by requiring that driver-trainees demonstrate proficiency in both the Behind-the-wheel (BTW) and theory portions of the curricula. The new minimum training standards for certain individuals applying for a Class A or Class B commercial driver’s license (CDL) for the first time; and upgrade of their CDL (e.g., a Class B CDL holder seeking a Class A CDL); or hazardous materials (H) , passenger (P), or school bus (S) endorsement on their CDL for the first time. It does not apply to individuals holding a valid CDL or a P, S, or H endorsement issued before the compliance date of the final rule.

Beginning on the compliance date of the rule, no “Entry-Level Driver” may take a CDL skills test to receive a Class A CDL, Class B CDL, Passenger (P), School Bus (S) endorsement unless he/she has successfully completed a mandatory theory (knowledge – classroom) and behind-the-wheel (BTW) training program as it pertains to school transportation.

The rule does not require any minimum number of BTW hours for the completion. The proficient completion of the BTW portions of the various curricula is based solely on the training instructor’s assessment of each driver-trainee’s individual performance of the require elements of the BTW training on the range and public road.

The rule also does not require any minimum number of classroom (Theory) hours for the completion. It does, however, require that each specific training element in the curricula. The rule prescribes specific topics requiring the training provider to cover all topics, and requiring that driver-trainees demonstrate their understanding of the material by achieving an overall minimum score of 80% on the written (or electronic) theory assessment.

**Who will provide the ELDT?**

The rule establishes the minimum qualifications for an entity to be eligible for listing on the FMCSA Training Provider Registry (TPR). Training providers, must, at a minimum, offer and teach a training curriculum that meets all FMCSA standards for entry-level drivers and must meet requirements related to: course administration, qualifications for instructional personnel, assessments, issuance of training certificates, and training vehicles (i.e., equipment). Training providers that meet these requirements would be eligible for listing on the TPR and must continue to meet the eligibility requirements in order to stay listed on the TPR. Training providers must also attest that they meet the specified requirements, and in the event of an FMCSA audit or investigation of the provider, must supply documentary evidence to verify their compliance.

**Behind-the-wheel (BTW) instructor** – an individual who provides BTW training involving the actual operation of a commercial motor vehicle (CMV) by an entry-level driver on a range or a public road and meets one of these qualifications

1. Holds a commercial driver license (CDL) of the same (or higher) class and with all endorsements necessary to operate the CMV for which training is to be provided and has at least two years of experience driving a CMV requiring a CDL of the same or higher class and/or the same endorsement and meets all applicable State qualification requirements for CMV instructors; or

2. Holds a CDL of the same (or higher) class and with all endorsements necessary to operate the CMV for which training is to be provided and has at least two years of experience as a BTW CMV instructor and meets all applicable State qualification requirements for CMV instructors.

**Theory instructor –** means an individual who provides knowledge instruction on the operation of a MV and meets one of the qualifications:

1. Holds a CDL of the same (or higher) class and with all endorsements necessary to operate the CMV for which training is to be provided and has at least two years of experience driving a CMV requiring a CL of the same (or higher) class and/or the same endorsement and meets all applicable State qualification requirements for CMV instructors; or

2. Holds a CDL of the same (or higher) class and with all endorsements necessary to operate the CMV for which training is to be provided and has at least two years of experience as a BTW CMV instructor and meets all applicable State qualification requirements for CMV instructors.

**How will training providers be registered on the Training Provider Registry (TPR)?**

A training provider will self-certify that they meet the applicable eligibility requirements set forth in the rule and electronically submit a completed Training Provider Registration Form affirming, under penalty of perjury, that the provider will teach the FMCSA-prescribed curriculum that is appropriate for the CDL class or endorsement. A provider listed on the TPR will be eligible to provide ELDT once it has been assigned a unique training provider ID number. As part of the self-certification process, training providers must attest, under penalties of perjury, that they comply with the Federal requirements-including instructor qualifications- in order to be eligible for initial and continued listing on the Training Provider Registry (TPR).

An entity must:

1. Follow a curriculum that meets the applicable criteria set forth in appendices A through E of Part 380;

2. Utilize facilities that meet the criteria set forth in 380.709;

3. Utilize vehicles that meet criteria set forth in 380.711

4. Utilize driver training instructors that meet the criteria set forth in 380.713;

5. Be licensed, certified, registered, or authorized to provide training in accordance with the applicable laws and regulations of any State where in person training is conducted.

Exception: State qualification requirements otherwise applicable to theory instruction do not apply to providers offering such instruction only online.

6. Allow FMCSA or its authorized representative to audit or investigate the training provider’s operations to ensure that the provider meets the criteria set forth in this section.

7. Electronically transmit an Entry-Level Driver Training Provider Registration Form through the TPR website maintained by FMCSA, which attests that the training provider meets all the applicable requirements of this section, to obtain a unique TPR number. If a training provider has more than one campus or training location, the training provider must electronically transmit an Entry-Level Driver Training Provider Registration Form for each campus or training location in order to obtain a unique TPR number for each location.

**What does the Theory and Behind the Wheel Training Curricula include?**

The Theory curricula is very specific and quite extensive. The BTW curricula for the Class A and Class B CDL is comprised of range and public road segments, include discrete maneuvers which each driver-trainee must proficiently demonstrate to the satisfaction of the training instructor. Once the training is completed, the training providers must transmit electronically the training certification information for each student to FMCSA via the TPR when the student completes the course. FMCSA will then transmit electronically the training certification information to the State Driver Licensing Agency as proof the CDL applicant has completed the training prior to taking the State-administered CDL skills test, or for the H endorsement, prior to taking the knowledge test.

**What effect does this have on school districts in Colorado?**

Districts will no longer be able to “assign” CDL training responsibilities to transportation personnel that are not registered on the TPR. New operators will be required to be trained to obtain their CDL permit, by a trainer that is registered on the TPR. Therefore, the CDE School Transportation Office, in cooperation with the Colorado Student Pupil Transportation Association (CSPTA) Trainer Committee have been working for several months developing resource material including PowerPoints and Manuals that will be available to all school districts that will meet the federal training requirements. This material will be provided to all school districts free of charge to be used by district staff that are registered on the TPR.

**What do school districts need to do now to be prepared?**

Because the BTW training includes nighttime driving, this may have a significant impact on your district staff and their work schedules. If you have full-time trainers, you will need to adjust their work schedule. However, if you are a smaller district that has a staff member that holds additional positions within the district and has the responsibility of training new CDL operators your challenge is much greater. Here are a few options you may want to consider:

1. Hiring a full time trainer(s) that will be registered on the TPR (more logical for large districts). These trainers would require flexible scheduling to accommodate the nighttime driving, but

would be able to offer the Theory classes during the normal workday. Districts also have the option of writing their own curricula for Theory and BTW training, however, they will be

responsible to certify that they have covered all mandatory topics, if they choose not to use the training resources provided by CDE and CSPTA.

1. Discuss with other local school districts how you can collaborate with each other. Perhaps one district would provide trainers for the Theory Instruction for all districts, and another district would provide trainers that would be responsible for the BTW training for both districts. In these circumstances when the training will likely be offered after normal work hours, it would be necessary to pay the trainers.
2. Discuss this with your BOCES to see if the training can be provided via the BOCES and they hire the staff to do the instruction and BTW training. This would ease the pressure from the local district transportation department and alleviate the concern of overtime and adjusting work schedules. This situation would likely require that districts pay a fee for each trainee to the BOCES.
3. Send personnel from your districts to the Train the Trainer classes that will be offered via CDE and/or CSPTA this summer. We anticipate that we will offer the Training for Theory Instructors this summer, and the training for the BTW Instructor portion during the summer of 2019. This training will be free of charge and offered in several locations around the state. Notice of these classes and locations will be available by spring.

Remember – This training is required to be completed prior to taking the State-administered CDL Skills test, or for the H endorsement, prior to taking the knowledge test. Once the new applicant has passed the State-administered CDL Skills test, then the district can have other personnel perform the “district level” instruction regarding district policies, procedures ,etc., which will be in addition to the CDL training. However, we believe that the district level training time duration will be significantly decreased, as much of what districts are currently teaching will already be covered in the CDL Training.

**What is CDE doing?**

This ruling has caused great concern in particular for our small school districts that simply do not have the resources to hire full time trainers. Therefore, I have been working with the CSPTA Trainer Committee for several months developing the resources, and informing transportation directors that they need to start the conversation now regarding how their district will proceed with this future CDL training mandate from the federal government. I am still learning the details regarding this ruling; however, by the fall of 2019 our goal is that every district will have a plan in place that will provide new CDL operators the quality instruction required by January 2020.

As we move forward, I will keep you as updated as possible. I strongly encourage you to start the conversation now, as you will need time to prepare for this change. If I can be of any further assistance, please contact me at [Miller\_s@cde.state.co.us](mailto:Miller_s@cde.state.co.us).



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