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Renewal of instructor certification

The lead article in the May 2009 Driver Education Bulletin addressed renewal applications for both providers and instructors. Numerous instructors have let their instructor certificates expire. Please be advised that if you continue to teach with an expired certificate, you are in violation of DEPIA, Sections 17 and 21, and are subject to disciplinary action including possible fines of \$100 a day for providing instruction without being certified. If your instructor certificate has expired, you **MUST** cease instructing immediately, and submit the proper application to regain certification. The provider may also be subject to disciplinary action for not verifying that each instructor is properly certified. See the Driver Education Provider Manual (Section 3, Page 14) for information on the employment of instructors.

Processing of applications

When submitting provider and instructor renewal applications, allow at least 30 days for processing. If your properly completed application is received by the expiration date, you may continue to offer instruction while it is being processed. However, if the application is not complete, you may not offer instruction until the application is complete and the certificate has been issued. In addition, if a properly completed application is received no more than 30 days after the expiration date, it will be processed as a renewal, but you may not provide instruction until the certificate is issued. For providers and instructors, if more than 30 days have elapsed after the certification expiration date, an original application must be submitted.

Questions and answers

If you want clarification on any of the information in this Bulletin, or have other specific questions, e-mail the Driver Education Section (DES) at **DriverEd@Michigan.gov**. We will respond to your e-mail, and if it is

determined that the response will be of benefit to other providers and instructors in general, we will include the question and our response in an upcoming bulletin.

Our telephone number is (517) 241-6850
Our e-mail address is DriverEd@Michigan.gov
Questions? Contact DES!

Surety bonds

DES is notified when a provider's surety bond has been cancelled. Pursuant to the law, a provider is given 30 days to ensure that the department is sent a new surety bond. When the 30 days expires, the provider's record is coded "Out of Business" and a close-out report is sent to the provider. As indicated in the notification letter to the provider, "You are not eligible to conduct business until you have received written documentation. . . indicating your driver education provider certificate is in good standing." Don't assume that since you have taken care of the bond issue with your bonding company that your agent will notify the department. In many cases, providers have been coded "Out of Business" because the department has not received a new or reinstated bond. Providers must ensure that the department has received and processed the new or reinstated bond; only then may the school continue to operate.

Disciplinary actions

DES closely monitors reports sent in from providers. Since January 2009, we have held 12 disciplinary conferences with providers. Some of the reasons for the conferences include failure to submit reports, admitting underage students (Segment 1) or ineligible students (Segment 2), not following prescribed curriculum requirements, and instructors continuing to provide instruction after their certificates expired. Preliminary conferences are usually held when corrective action has not occurred after multiple violations have been addressed with a provider or instructor. The next step after a preliminary conference is a compliance conference complaint, in which sanctions are usually imposed. It is imperative that all providers and instructors show diligence with understanding and conforming to the law.

Student contracts

In resolving recent complaints, DES staff reviewed several providers' student contracts. Based on this review, it appears many student contracts do not contain required language or subject matter as prescribed by the Secretary of State, or contain outdated information. When 2009 year-end reports are submitted, the student contract included with each provider's report will be thoroughly reviewed by staff. We highly recommend you visit our Web site and review the sample student contracts and the checklist of items and issues that need to be included on the various student contracts (Segment 1, Segment 2, adult, and truck). The Driver Education Provider Manual also has a section outlining student contracts (Section 6, Pages 7 and 8). Be sure to review your

student contracts and amend, if needed, prior to submitting your year-end report.

In addition, we often ask the complainant to provide us with a copy of the student contract. On a number of occasions, we have been informed that they never received a copy of the contract from the provider. MCL 256.667 (2) reads: "Before instruction begins, the driver education provider shall give the student a signed copy of the agreement, accompanied by a copy of all of the provider's applicable policies." Thus, failing to provide a copy of the student contract and policies to a customer is a violation of the law, and the provider may be subject to disciplinary action.

Year-end reports have been sent! Year-end reports were mailed on December 3, including lists of your currently recognized instructors, approved classroom locations, Web-based testing access (teen providers), and range locations (teen providers). Be sure to give special attention to the article above on student contracts when completing your year-end report.

Student concerns

- ◆ Do you have students in class who are disruptive (talking, texting, etc.)?
- ◆ Did a student fail the first attempt at the knowledge test by a large margin?
- ◆ After two behind-the-wheel (BTW) lessons, does it appear a student will have a hard time successfully completing his or her driving instruction?

If you answered “yes” to any of these questions, how long did you wait to notify the parents? Did you contact them? Communication with parents should be a vital part of your teen driver education program. Parents should be made aware of concerns quickly so they can take part in a corrective action plan. If your student contract indicates that a student could be removed from your program for deviant behavior, parents must be made aware of this policy prior to the start of the program, and then be notified as soon as possible if their son or daughter is running the risk of being removed from the class. If a student did poorly on his or her first attempt at the knowledge test, the student may have a reading problem that was not conveyed to you. How much time do you afford the student to prepare for retaking the knowledge test? If a student’s BTW lessons are going badly, maybe there are vision concerns that have not been identified. Communicating may help prevent small problems from becoming large ones. Do not surprise parents after the fact.

Students who do not complete instruction

How do you handle students who do not complete a Segment 1 or Segment 2 class? This includes: students who drop out of class and want to come back and finish their instruction at a later time; students who are removed from class for an extended medical absence; or parents/students fail to complete payment or pay with a nonsufficient funds check. This could also happen with adult students and truck driver training students. To reduce or eliminate these situations, expectations for meeting the contractual agreements should be provided in writing before instruction begins.

Calculating time for Segment 1 and Segment 2 eligibility

A student must be 14 years and 8 months old to attend Segment 1 driver education, regardless of the number of days in any given month. To calculate a student’s eligibility, add 15 years to a student’s year of birth, and then subtract four months from their birth month. For example, a student born on March 1, 1995, would be eligible to attend a Segment 1 class that starts on Nov. 1, 2009. For Segment 2, a student is not be eligible if his or her Level 1 license was issued less than three months prior to the first day of class.

Driver Education Provider Manual updates

Be sure to check the Web site for updates to the Provider Manual. There have been several updates since the revised manual was put on the Web site in March 2009. A list of the updates is available on the Web site.

PA 57 of 2009 - child restraints

A new law impacting child restraints was enacted on June 26, 2009. The pertinent part of the legislation reads: “A driver transporting a child as required under subsection (1) shall position the child in the child restraint system in a rear seat, if the vehicle is equipped with a rear seat. If all available rear seats are occupied by children less than 4 years of age, then a child less

than 4 years of age may be positioned in the child restraint system in the front seat. A child in a rear-facing child restraint system may be placed in the front seat only if the front passenger air bag is deactivated.” As a teen provider, you should include this information in your classes when discussing passenger restraints.

Web-based knowledge testing reminders

Some recurring issues regarding the Web-based knowledge testing program have prompted the following reminders:

- ◆ If you see **Jurisdiction** or a message when you log in indicating you lost your registration, your computer is not registered. Go to Page 4 of the Web-Based Knowledge Testing Manual for instructions on how to reregister. If you have misplaced your Web-Based Knowledge Testing Manual and need to reregister your computer, you may find a copy of the manual in the Driver Education Provider Manual on the department's Web site. Please note that we recently sent an e-mail to providers to give a new User Name and password for registering your computer.
- ◆ We recently received a report from Solutions Thru Software indicating that 200 people who were issued User IDs have never accessed the test. This includes providers, instructors, and clerical staff. Please review the Driver Education Provider User ID Request Forms that you submitted. If you have instructors or clerical staff who were given access to the tests and no longer work for your school or no longer need to have access, please complete the attached Driver Education Provider User ID Request/Removal Form (DES-032) to list the names of those that you would like removed. You can access the form at any time by going to the Web site at www.Michigan.gov/sos.

If you need assistance or have any questions, please e-mail DriverEd@Michigan.gov.

Retention of birth certificate

The May 2009 Driver Education bulletin mentioned that it is not a requirement for a provider to retain a copy of a student's birth certificate. However, to recognize that a student's age was verified, it has been suggested that a certification be added to the student contract for the provider (instructor) and parent to initial certifying student meets minimum age and the birth certificate was presented and reviewed.

Segment 1 and 2 knowledge tests

What safeguards do you have in place to ensure security when students are taking the knowledge tests? Do you number each test and answer sheet to ensure each test and answer sheet assigned to students is returned? How closely do instructors monitor the administration of the tests? With the capabilities of today's cell phones, are you sure students are not using their cell phones to text while taking the test? There is one instance where a provider allowed two students to review their original tests prior to taking their first retakes. However, the students were not required to return the answer sheets prior to taking the retakes and they were not monitored while taking the tests. There were then concerns that the students cheated. This must not happen—you must ensure that your instructors have oversight of the administration of the tests so that the integrity of the tests is not compromised.

Range instruction

Teen providers who offer range instruction, take note: the department prescribes that no less than four vehicles be utilized during a lesson. What if a student doesn't show up, or a vehicle breaks down, and the lesson would include less than four vehicles? Canceling the lesson and adding additional range instruction that conforms to the prescribed guidelines may be an option. Another possibility would be to add on-road instruction to make up for the missed range time.

Reminder about SOS-428 identification requirements

After new identification requirements for applying for a driver's license went into effect last year, all providers were sent a copy of the SOS-428 and were asked to ensure that all students and parents receive a copy. Please be sure to provide this so they will have the necessary documents to verify identity and residency at the Secretary of State's office.

The SOS-428 is attached to this bulletin. You may copy it or order copies from the department as you do other materials.