

How to Prepare for Your Driver Education Program Compliance Review

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I. Introduction

This document provides an overview of the Driver Education Program compliance review process and is intended to help you prepare. This guidance document describes your responsibilities as a Driver Education Provider and recommends actions that you may take prior to your compliance review to minimize both disruption and review time.

ODOT Transportation Safety Division (hereafter called ODOT-TSD) requires each driver education provider to meet quality standards for curriculum, motor vehicles and materials, instructor qualifications, recordkeeping, and reimbursement.

The provider is responsible for meeting all requirements of the applicable Oregon Administrative Rules (OAR). Please see the Resources section at the end of this document for additional references that will help you prepare for your compliance audit.

II. Scope of the Driver Education Program Compliance Review

During each review, ODOT-TSD's quality assurance specialist will assess the provider's compliance with Oregon Administrative Rule. During the course of the review, the following may be evaluated:

- Curriculum
- Policies
- Motor vehicle crash records
- Instructor records
- Student records
- Reimbursement records
- Classroom course instruction
- Behind-the-wheel course instruction
- Motor vehicles used for Driver Education

III. Public Providers That Outsource Program

A public school/educational facility that qualifies for reimbursement may contract with an approved driving school to provide classroom instruction and/or behind-the-wheel instruction.

In cases of outsourcing, the public school/educational facility remains responsible for the curriculum and must retain all required records (curriculum guide, policies, student records, instructor records, etc.) To be eligible for reimbursement, the students' DE instruction fees must be paid directly to the public school that is requesting reimbursement. (The public school pays the drive school per their contract).

It is advised that the public school monitor the curriculum and instructors to assure quality and compliance with their program.

IV. Prior Notification

Normally, ODOT-TSD's quality assurance specialist will provide advance notice of at least four days prior to a review. While scheduling, we will attempt to both minimize inconvenience to provider and to use state resources efficiently.

If follow-up visits are performed, prior notification may not be provided.

V. Compliance Review Duration

For a smaller program, the average on-site review time is half a day. Compliance review time will increase with the size of the operation, number of instructors and number of sites.

To minimize interference to your program, the ODOT-TSD suggests that you organize and consolidate all records the quality assurance specialist will need, and have them readily available on the day of your review.

VI. Compliance Review Process

The ODOT-TSD's quality assurance specialist will first meet with the provider's Driver Education Coordinator, or other representative designated by the provider. At that time, the Coordinator should request any special sequencing of the records review, classroom/behind-the-wheel observation, and vehicle inspection.

At the close of the review, the quality assurance specialist will again meet with the provider's representative(s) for an exit interview and to provide an Observation Summary Report.

Your help by pre-planning, and your assistance coordinating the various portions of the compliance review, will help assure that the review is performed with minimal disruption. If you foresee issues, please contact ODOT-TSD.

Staff may conduct their usual duties during the compliance review, but should be available if the quality assurance specialist has questions or needs assistance. It may be to your benefit to hire a substitute during the visit so you may dedicate full attention to the review, however this is not required.

VII. Compliance Review Details

Following is a description of program elements that may be evaluated during the review. **Be prepared to demonstrate compliance. Provide documentation.**

A. Curriculum OAR 737-015-0030

- **Driver Education Coordinator.** Each provider must appoint a contact person who is responsible for assuring that all requirements are met. Even when work is outsourced, the provider remains responsible for the program and must appoint a DE Coordinator. **Be sure to advise ODOT-TSD when contact information changes.**
- **Curriculum Guide.** Prior to implementing your program, the full curriculum must be submitted to ODOT-TSD for approval. Thereafter, the curriculum must be reviewed and updated every three years. The Curriculum guide must include the following:
 - Philosophy
 - Goals and objectives
 - Scope & sequence
 - Major instructional activities
 - Suggested teaching strategies
 - Lists of available materials and resources
 - Procedures for student and program evaluation
 - Written lesson plan for each classroom session

- Written lesson plan for each behind-the-wheel session
 - A flow chart showing integration between classroom and behind-the-wheel instruction
 - Written drive routes that support each behind-the-wheel lesson plan with specific driving behaviors to be practiced, directions and strategies to improve student performance and habit development. Assure that your instructors are using your approved routes!
- **Lesson Plan.** Both classroom and behind-the-wheel lesson plans must be present, and used by the instructors. Elements listed in OAR 737-015-0030(2) must be present.

Oregon Program Timelines

	Minimum Required	Do Not Exceed
Classroom seat time	30 hrs	6 hrs/week 3 hrs/day
BTW	6 hrs	90 minutes/day
Observation	6 hrs	3 hrs/day
Program Length	35 days	180 days
At Home Practice	5 hours	No limit

Summer Only:

	Minimum Required	Do Not Exceed
Classroom seat time (may be completed over 3-week period)	30 hrs	10 hrs/week 3 hrs/day
BTW	6 hrs	90 minutes/day
Observation	6 hrs	3 hrs/day
Program Length	35 days	180 days
At Home Practice	5 hours	No limit

- **Classroom/Behind-the Wheel Concurrency.** Concepts must be taught in the classroom before they are practiced or observed behind the wheel. At least 4, but no more than 10 hours classroom instruction must be completed before in-car lessons begin. Your flowchart should reflect this.
- **Parent Involvement.**
 - A parent meeting is required. What follow up do you provide for parents who cannot attend?
 - At least five hours supervised home practice must be performed before completion of the course. You may not issue a certificate before you have this documentation, which should be maintained with student record files. A copy of each student's driving log is an easy way to accomplish this.
- **Assessment.** Skill assessment of each student driver is required. Sample assessment forms are provided in the Oregon Driver Risk Prevention Curriculum. Assure that the assessment meets all requirements in OAR 737-015-0030(5)(e). Maintain all drive assessments with your student record files.

- **Other Required Elements.** See OAR 737-015-0030 for a list of classroom and behind-the-wheel required topics.

B. Written Policies OAR 737-015-0030 The following policies must be in writing and adopted. Most programs simply incorporate the policies into their parent letter:

- Enrollment criteria
- Student fees and refunds
- Course failures and repeats
- Minimum and maximum course duration

C. Crash Records OAR 737-015-0030

- Reportable motor vehicle crashes that involve a driver education motor vehicle must be reported to the ODOT-TSD within 3 days of the crash.
- A crash resulting in serious injury or death must be reported as soon as possible. Assure that the glove box of each of your DE vehicles has an ODOT Driver Education Vehicle Serious Crash Form. Contact ODOT-TSD if you need additional forms.

D. Instruction Materials and Equipment OAR 737-015-0050

- DE Motor vehicles must meet the following requirements:
 - Instructor brake
 - Regular maintenance
 - Safety and equipment standards of Oregon Vehicle Code
 - Seat belts for driver and all passengers
 - Functional heater and defroster
 - Emergency equipment: fire extinguisher, first aid kit, 3 flares
 - Sign reading: "Student Driver". See OAR 737-015-0050(2)(g) for other approved language.
 - Registration
 - Proof of Insurance (current and in the vehicle, please)
 - Instructor rear view mirror and eye check mirror
 - Headlights used at all times during instruction
- Driving Simulators
 - Not more than half of the behind-the-wheel hours may be provided by driving simulator
 - Four hours of simulation is equal to one hour
 - Driving simulator instruction may not precede classroom instruction (must be concurrent with classroom beginning 9/1/08)
 - Instructor must have appropriate documented training

E. Instructor Qualifications OAR 737-015-0070

- For the purpose of compliance review, have available all records of instructors who have worked since the last review (whether or not they are still employed).
- Most programs organize instructor files in one of two ways:
 - Tabbed three-ring binder, alphabetized by instructor last name
 - File folders: one instructor per folder
- Documentation of the following must be retained, and kept current, for each instructor:

- Proof of Driver License.** Copy of current Driver License
- Certified Court Print.** Copy of Certified Court Print driving record (see DMV order form - \$3). Certified Court print must be obtained every year – review each report to assure it meets requirements in OAR 737-015-0070(2).
- First Aid** Verification of current First Aid certification (copy of card)
- CPR** Verification of current CPR certification (copy of card)
- Course Certificates.** Copy of applicable traffic safety education certificates:
 - **Classroom teachers need:** Foundations, plus Fundamentals of Classroom instruction
 - **Behind-the-wheel teachers need:** Foundations plus Fundamentals of Behind-the-Wheel instruction.

In addition, proof of simulator training must be present, if applicable.
- 30 teaching hours in the past 2 years.***
Count back two years. Has each teacher taught at least 30 hours in an approved program?
- 15 CE hours in the past 2 years.***
Count back two years. Has each teacher earned at least 15 hours continuing education?

*Not required if the instructor completed core instructor courses within the past two years. However, assure that instructors begin accumulating hours so they will meet requirements once the 2-year grace period is over.

F. Recordkeeping OAR 737-015-0090

- The following must be documented and retained for each student, whether or not they complete the course.
 - Dates of the course
 - Final grade
 - Verification student had permit on first day of class
 - Mailing address
 - Student progress
 - Record of home practice
 - Time involvement
 - Evaluation results
 - Attendance
- See the ODOT TSD website for tools, including a sample student record card and guidance from the Driver Education Advisory Committee.

G. Records Retention OAR 737-015-0090

- 5 years for instructor records
- 10 years for all other records

Note: this retention schedule became effective April 2007. You will not be held accountable for retention of records prior to the rule change.

H. Reimbursement OAR 737-015-0100

- Accurate and complete recording and reporting forms must be returned to ODOT-TSD before or on the required dates.
 - **Instructor Report.** Due annually; updates must be reported within 15 days of a new instructor assignment.
 - **Assurance Form.** Due annually.

- **Reimbursement Request.** If applicable, the request is due at minimum once per year. You may only request reimbursement for students who have COMPLETED the program by the end of the fiscal year, June 30th.
- See the ODOT-TSD website, under Driver Ed Reimbursement, for allowable program costs.
- Documentation of program costs must be made available during compliance review and otherwise upon request. **Be prepared to show the Compliance Specialist where the figures on your reimbursement request came from.**
- Reimbursement is only allowed for students who complete the course prior to issuance of their provisional driver license
- Reimbursement is only allowed for students who complete the course prior to their 18th birthday.
- Reimbursement is allowed only once per pupil. If a student was claimed previously, even by a different provider, you will not be eligible for reimbursement for that student.
- Private providers claiming reimbursement must observe the profit limitations outlined in OAR 737-015-0100(3).
- The purpose of reimbursement is to reduce cost to the parents, thereby making driver education more accessible to teens. If you are claiming less than \$210 per student state reimbursement, please take a look at your numbers. Consider reducing your parent cost and/or making needed program improvements, in order to request the full \$210 from the state. Contact the mentorship program for help. We want you to receive the full benefit we can offer.

I. Classroom/Behind-the-Wheel Observation

- The quality assurance specialist may observe a portion of both classroom and/or behind-the-wheel instruction. **Please provide a copy of the lesson plan at the time of the classroom observation. For a behind-the-wheel lesson, provide the lesson plan and a copy of the drive route.**
- The quality assurance specialist will observe only a portion of the lesson(s). Please advise the behind the wheel instructor to adjust the observed drive route the day of the review so the inspector will be dismissed at the starting location after 15-20 minutes. There are other options. Let us know if you have questions.

J. Vehicle Inspection OAR 737-015-0050

- Motor vehicles used for driver education instruction will be inspected. If vehicles are kept off-site, please make arrangements to have them available at the compliance review site. Contact ODOT-TSD if circumstances make this difficult. See section “VI D” of this document or review OAR 737-015-0050(2) for vehicle requirements.

NOTE: It is the responsibility of the provider to deliver to ODOT-TSD any required records or materials that were not available at the time of compliance review.

VIII. Exit Interview/Compliance Reports

During the exit interview the quality assurance specialist will review the results of the inspection with you, and provide an Observation Summary Report.

If deficiencies are noted during the compliance review, please correct them as soon as possible to bring your program into compliance. Per Oregon Administrative Rule, **corrections must be made within 30 calendar days of the compliance review date.**

- **Observation Summary Report.** The Observation Summary Report is a courtesy report provided at the time of the exit interview. It serves as a reminder of observations. The Observation Summary Report must be signed by the provider's DE Coordinator or other representative.

Following compliance review, the provider has a 5-day grace period for taking corrective action and reporting that action to ODOT-TSD. If a deficiency is corrected and sufficient documentation is received by ODOT-TSD within 5 days of the compliance review, the deficiency will not be noted on the Compliance Report. Note that repeated violations (those noted at the previous inspection) may remain on the report.

"Five days" refers to five business days (M-F, excluding major holidays). Example: If compliance review is performed on Wed the 20th, 5-day response to ODOT-TSD is due Wed the 27th.

- **Compliance Report.** After ODOT-TSD has evaluated all data collected, the Compliance Report will be prepared and sent to the designated program coordinator by email. Let us know if you prefer your report by US mail or FAX.

The Compliance Report provides a formal report of deficiencies and details any necessary corrective action. Because the Compliance Report is prepared after full evaluation of the data, and after the program has documented any corrective action, it is possible that the Compliance Report will differ from the Observation Summary Report that was provided at the time of compliance review.

IX. How to Respond to Deficiencies Noted on the Compliance Report

If no deficiencies are noted on the Compliance Report, no corrective action is required. However, please direct attention to any recommendations or items of concern as they represent best practice.

Your written response to noted Observations is due within **30 calendar days of your compliance review date**. Please include the following in your response:

- A detailed letter demonstrating that corrective action is complete. If applicable, include photocopies of records and/or receipts. Appropriate correction may mean making changes to your program to assure the deficiency does not happen again. If so, describe the changes you have made.
- Signature of a responsible person
- Description of corrective action for each Observation noted on the report. See the ACTION item(s) on the report for guidance.
- For items that cannot be corrected within 30 calendar days due to cost or time constraints, submit a detailed plan including timelines for completion.

Mail, email, or fax your response to the quality assurance specialist:

Mary De Ferrari, Quality Assurance Specialist

ODOT-Transportation Safety Division
Driver Education Program
235 Union Street NE
Salem OR 97301-1054

FAX: 503.986.3143, Attn: Mary De Ferrari
Email: mary.b.deferrari@odot.state.or.us

When satisfactory response has been received, ODOT-TSD will respond with a letter closing the compliance review.

Be aware that ODOT-TSD may perform follow-up visits without prior notification.

X. Resources

- **ODOT Transportation Safety Division website**
<http://www.oregon.gov/ODOT/TS/de.shtml/>
 - **Oregon Administrative Rules (OAR), Chapter 737, Division 15**
 - **Provider Assessment Form.** This is a self-assessment form that will help you assure you are in compliance with OAR.
 - See the sections, [Instructor Info and Resources](#) and [Driver Ed Reimbursement](#) for forms and guidance documents.
- **ODOT Driver Education Program contact information**
 - Shari Davis, Administrative Assistant
 - Phone 503.986.4291
 - email: shari.c.davis@odot.state.or.us
 - Mary De Ferrari, Quality Assurance Specialist
 - Phone 503.986.6642
 - email: mary.b.deferrari@odot.state.or.us
 - William A Warner, Program Manager
 - Phone 503.986.4413
 - email: william.a.warner@odot.state.or.us
 - Driver Education Program FAX: 503.986.3143
- **ODTSEA (Oregon Driver and Traffic Safety Education Association) website:**
www.odtsea.org