



**Oregon Department of Transportation**  
**Transportation Safety Division**  
*Driver Education*



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# How to Prepare for Compliance Review

Revised April 2014

Guidance for Approved Providers  
Oregon Approved Teen Driver Education Program

## Table of Contents

<b>INTRODUCTION</b> .....	<b>3</b>
<b>SCOPE OF THE DRIVER EDUCATION PROGRAM COMPLIANCE REVIEW</b> .....	<b>3</b>
<b>APPROVED PROVIDERS THAT OUTSOURCE PROGRAM INSTRUCTION</b> .....	<b>4</b>
<b>PRIOR NOTIFICATION</b> .....	<b>4</b>
<b>COMPLIANCE REVIEW DURATION</b> .....	<b>5</b>
<b>COMPLIANCE REVIEW PROCESS</b> .....	<b>5</b>
<b>COMPLIANCE REVIEW DETAILS</b> .....	<b>6</b>
CURRICULUM OAR 737-015-0030 .....	6
CLASSROOM AND BEHIND-THE -WHEEL CONCURRENCY OAR 737-015-0030 .....	6
PROGRAM TIMELINES SUMMARY OAR 737-015-0030 .....	7
PARENT INVOLVEMENT OAR 737-015-0030 .....	8
INSTRUCTION MATERIALS AND EQUIPMENT OAR 737-015-0050 .....	8
INSTRUCTOR QUALIFICATIONS OAR 737-015-0070 .....	8
PROVIDER RESPONSIBILITIES OAR 737-015-0076 .....	9
STUDENT RECORDS OAR 737-015-0090 .....	10
RECORDS RETENTION OAR 737-015-0090 .....	10
SUBSIDY OAR 737-015-0100 AND 0105 .....	10
CLASSROOM AND BEHIND-THE-WHEEL OBSERVATION .....	11
<b>SANCTIONS OAR 737-015-0120</b> .....	<b>12</b>
<b>EXIT INTERVIEW</b> .....	<b>12</b>
<b>COMPLIANCE REPORTS</b> .....	<b>12</b>
OBSERVATION SUMMARY REPORT .....	12
COMPLIANCE REPORT .....	13
<b>HOW TO RESPOND: OBSERVATION SUMMARY REPORT OR COMPLIANCE REPORT</b> .....	<b>13</b>
<b>RESOURCES - CONTACTS</b> .....	<b>14</b>

## Introduction

This guidance document provides an overview of the Driver Education Program compliance review process. It describes your responsibilities as an Approved Driver Education Provider and recommends actions you may take to prepare for your compliance review to minimize both disruption and review time.

ODOT Transportation Safety Division (ODOT-TSD) requires each approved driver education provider to meet quality standards for curriculum, motor vehicles, instructors, recordkeeping and reimbursement.

The provider is responsible for meeting all requirements of applicable Oregon Administrative Rules (OAR) and Oregon Revised Statute (ORS).

## Scope of the Driver Education Program Compliance Review

During each review, ODOT-TSD's quality assurance specialist will assess the provider's compliance with OAR and ORS. The following may be evaluated:

- Curriculum;
- Policies and Procedures;
- Motor vehicle crash records;
- Instructor qualification records;
- Student records;
- Expense and revenue records;
- Classroom or behind-the-wheel instruction observation; and
- Motor vehicles used for Driver Education.

In general, a provider should make available all program-related records for courses that were completed since the most recent compliance review. For very large programs, with multiple sites, make available all records from the past year. It is unlikely, but possible, that older records will also require review.

## Approved Providers That Outsource Program Instruction

An Approved Provider may contract with another approved provider to deliver classroom or behind-the-wheel instruction.

In such cases of outsourcing, the provider requesting reimbursement remains responsible for the entire program and must retain all required program records (curriculum guide, policies, student records, instructor records, etc.) Student fees must be received by the provider requesting reimbursement.

Whether or not a contractor has been hired, we encourage all providers to carefully monitor curriculum, records, vehicles and instructors to assure quality and compliance within the program.

## Prior Notification

Normally, the quality assurance specialist will provide advance notice of at least four days prior to a review. ODOT-TSD will attempt to minimize inconvenience to the approved provider, while remaining mindful of state resources.

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

## Compliance Review Duration

For an average-size program, on-site review time is typically 3-4 hours. Review time will increase with the size of the operation, number of instructors and number of sites.

To minimize interference to the provider, ODOT-TSD suggests organizing and consolidating all records the quality assurance specialist will need, and having them readily available on the day of compliance review.

## Compliance Review Process

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

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

Staff may conduct their normal business during the compliance review, but should be available for questions or assistance. It may be to a provider's benefit to schedule a substitute so the Program Coordinator can devote full attention to the review; however this is not required.

A provider's help by pre-planning and 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.

## Compliance Review Details

Following is a **summary** of program elements that may be evaluated during the compliance review. It is the provider's responsibility to demonstrate compliance with Oregon laws related to driver education.

### ***Curriculum OAR 737-015-0030***

- Prior to implementing a program, a provider must submit the full curriculum to ODOT-TSD for approval. Thereafter, a provider must review and update the curriculum every three years, at minimum.

- The following may be reviewed during the inspection:

- Classroom lesson plans;

If a provider has fully adopted the Oregon Driver Risk Prevention curriculum Playbook©, separate classroom lesson plans are not required.

- Behind-the-wheel lesson plans;
- Flow chart showing integration between classroom and behind-the-wheel lessons;
- Skill assessment forms used for in-car lessons; and
- A written drive route that supports each behind-the-wheel lesson plan.

Note that each final drive route must be approved by ODOT-TSD before implementation. Subsequent changes to a final route must also be approved prior to implementation.

### ***Classroom and Behind-the-Wheel Concurrency OAR 737-015-0030***

- Concepts must be taught in the classroom before they are practiced or observed in the car. At least 4, but no more than 10 hours classroom instruction must be completed before a student's in-car lessons begin.
- The flowchart must accurately reflect the program's lesson flow between classroom and behind-the-wheel instruction.

- A provider is free to present Playbook© classroom lessons in an order different from the book’s layout as long as concepts continue to be taught from simple to complex.

**Caution:** If classroom lessons are presented in an order other than that in the Playbook©, behind-the-wheel lesson plans, routes and the flow chart must all be adjusted to correspond.

- To maintain a concurrent program, and for a number of other reasons, it is in a provider’s best interest to require all instructors to present lessons in the same sequence.

**Program Timelines Summary OAR 737-015-0030**

School year			
	Minimum Required	Do Not Exceed	
		Daily	Within 7 days
<b>Classroom seat time</b>	30 hrs	3 hrs	6 hrs
<b>BTW</b>	6 hrs	90 min	120 min
<b>Observation</b>	6 hrs	3 hrs	4 hrs
<b>Program Length</b>	35 days	180 days	
<b>Home Practice</b>	5 hours	No limit	

Summer Only			
	Minimum Required	Do Not Exceed	
		Daily	Within 7 days
<b>Classroom seat time (may be condensed to 3-week period)</b>	30 hrs	3 hrs	<b>10 hrs</b>
<b>BTW</b>	6 hrs	90 min	120 min
<b>Observation</b>	6 hrs	3 hrs	4 hrs
<b>Program Length</b>	35 days	180 days	
<b>Home Practice</b>	5 hours	No limit	

**Red text identifies exceptions that apply to summer programs**

### ***Parent Involvement OAR 737-015-0030***

- A parent meeting is required. Maintain the sign-in sheet as documentation. If a parent cannot attend, maintain documentation of follow-up contact with the parent.
- At least five hours of supervised home practice must be performed by a student before completion of the course. A completion certificate cannot be issued before a provider has documentation in hand, such as a driving log, which is to be maintained with student records.

### ***Instruction Materials and Equipment OAR 737-015-0050***

- Motor vehicles used for driver education instruction will be inspected. If vehicles are kept off-site, make arrangements to have them available at the location of the compliance review. Contact ODOT-TSD with questions.
- Motor vehicles used for driver education must:
  - Be equipped with an instructor brake;
  - Meet safety and equipment standards of Oregon Vehicle Code;
  - Be equipped with emergency equipment: fire extinguisher, first aid kit, 3 flares or approved reflectors;
  - Have signage: "Student Driver" or other approved language;
  - Be equipped with an instructor rear-view mirror and eye check mirror;
  - Be equipped with a student rear-view mirror and side mirrors;
  - Have regular maintenance;
  - Be properly registered (proof in the vehicle);
  - Be properly insured (proof in the vehicle); and
  - Have headlights turned on (manually) at all times during instruction.

### ***Instructor Qualifications OAR 737-015-0070***

- Make available all records of instructors who have taught an approved course since the last review (whether or not they are still employed).

- An instructor cannot be permitted to teach before providing their employer a copy of a valid Approved Instructor certification card. A provider must maintain copies of the certification cards with instructor qualification files.

Approved Instructor certification card renewal is required every two years. A provider must assure that each instructor's certification card on file is current.

- An out-of-state instructor's driving record is not monitored along with Oregon approved instructors. An out-of-state instructor is responsible for annually obtaining a certified driving record and submitting to their employer (the provider). A provider is required to carefully review the record and maintain it with instructor qualification files.
- Although a provider is no longer required to obtain annual driving records for "in-state" instructors, it may be in a provider's best interest to do so. Even if an instructor meets state minimum requirements, wouldn't you want to know if one of your instructors receives a speeding ticket every year?
- Instructor records must be maintained three years after separation.

### ***Provider Responsibilities OAR 737-015-0076***

- Required policy and procedure. Most programs simply incorporate the written policies into their parent letter or registration form. It is in a provider's best interest to make policies very clear to parents. The following must be in writing and adopted.
  - Policy: Enrollment criteria;
  - Policy: Student fees and refunds;
  - Policy: Course failures and repeats;
  - Policy: Minimum and maximum course duration; and
  - Procedure: Develop a procedure to reasonably ensure no instructor or student is under the influence of an intoxicant during either classroom or behind-the-wheel instruction.
- A completed Assurance Form is due annually. The current form is on the ODOT-TSD website.
- Reportable motor vehicle crashes (those resulting in \$1,500 damage, injury or death) that involve a driver education vehicle must be reported to both DMV and to ODOT-TSD within 3 days of the crash.
- A crash resulting in serious injury or death must be reported to ODOT-TSD as soon as possible. Assure that the glove box of each of your DE vehicles is stocked with an

ODOT Driver Education Vehicle Serious Crash Form. Contact ODOT-TSD if you need additional forms or print your own copies from the ODOT-TSD website.

**Student Records OAR 737-015-0090**

Student records must be maintained for each student, whether or not they complete the course. Records must include:

- Documentation indicating that each student had a permit by the first day of class. (Examples of documentation: a photocopy of each student's permit or a record of each student's permit issue date);
- Classroom attendance for each student, including dates. Makeup sessions must be well documented by date and amount of time;
- Classroom grades (quizzes, tests, homework);
- Skill assessment for each BTW lesson;
- Drive log or other record showing 5 hours home practice; and
- Both the date and amount of time for each completed behind-the-wheel lesson and practice driving observation session.

*It is the responsibility of the provider to deliver to ODOT-TSD any required records or materials that were unavailable at the time of inspection OAR 737-015-0110(2)(d)*

*Falsifying a document or making a misrepresentation on an application or record may lead to removal from approved provider status OAR 737-015-0120(5).*

**Records Retention OAR 737-015-0090**

- 3 years for instructor records; and
- 5 years for all other records.

**Subsidy OAR 737-015-0100 and 0105**

- A provider that chooses to request state reimbursement must submit a reimbursement request form at least once per year. Use the most current form, which can be found on the Driver Education Program web site.

- Documentation of program costs must be available during compliance review and otherwise upon request. Be prepared to show the quality assurance specialist receipts or spread sheets, or otherwise demonstrate how the figures entered on the reimbursement request form were obtained.
- A provider that hires a contractor to provide classroom or behind-the-wheel instruction must work with that contractor to obtain program cost information required on the reimbursement request form.
- Only eligible students qualify for reimbursement:
  - Reimbursement is only provided for students who complete the course prior to issuance of their provisional driver license and prior to their 18<sup>th</sup> birthday, whether the student passes or fails.
  - Reimbursement is provided only once per pupil. If a student was claimed previously, even by a different provider, the student is no longer eligible.
- Private providers claiming reimbursement must observe the profit limitations outlined in OAR 737-015-0100(3). Public providers cannot make a profit.
- The purpose of reimbursement is to reduce cost to parents, thereby making driver education more accessible to teens. If a provider is receiving less than \$210 per student state reimbursement, take a careful look at the numbers. Consider reducing the parent cost or making needed program improvements to receive the full \$210 from ODOT-TSD.
- Up to \$75 additional subsidy may be available to providers who offer discounted tuition to a qualified low-income student. The request must be made at the same time as the standard reimbursement request by completing the appropriate portion of the reimbursement request form. Records indicating that the provider has reviewed each student's low income qualification paperwork must be maintained by the provider, and available for inspection.

### ***Classroom and Behind-the-Wheel Observation***

- The quality assurance specialist may observe a portion of an in-car lesson (or classroom lesson in some cases). To accomplish this, the provider must in advance coordinate the lesson observation with an instructor. If at all possible, the observation should be with an instructor who has NOT been previously observed by ODOT-TSD.
- Prior to the observation date, provide to the quality assurance specialist the name of the instructor to be observed, the instructor's cell phone number, time of the observation and detailed directions as to where the inspector will meet the instructor.
- The quality assurance specialist will observe only a portion of the lesson. Please advise the behind-the-wheel instructor to adjust the route so the inspector will be dismissed at the

starting location after 15-20 minutes (or arrange transportation to return). The behind-the-wheel instructor is NOT required to write a new route for the purpose of this observation. Contact ODOT-TSD with questions.

## Sanctions OAR 737-015-0120

Sanctions may be imposed when it is determined that a provider has violated a provision in Oregon Revised Statute or Oregon Administrative Rule.

Reasons to sanction may include misrepresenting expenses, revenue or other information; failing to submit required forms; failing to correct deficiencies within required timelines or falsely claiming to correct program deficiencies.

## Exit Interview

During the exit interview the quality assurance specialist will review Observations with the provider's Program Coordinator or other representative. A provider is encouraged to ask questions or otherwise discuss action steps to assure full understanding.

## Compliance Reports

### ***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 deficiencies requiring correction. The Observation Summary Report must be signed by the provider's Program Coordinator or other representative.

Following compliance review, the provider has a five-day grace period for taking corrective action and reporting it to ODOT-TSD. See "How to Respond", below. If a deficiency is corrected and sufficient documentation is received by ODOT-TSD within five days of the review, the deficiency will be removed from the Compliance Report. Note that a repeated violation may remain on the report whether or not corrective action is taken within five days. A repeated violation means the provider or instructor was notified in writing within three years of the same or a substantially similar deficiency.

A provider has 30 days from the date of inspection to make corrections, and report those corrections to ODOT-TSD.

### ***Compliance Report.***

Following the review, and after ODOT-TSD has evaluated all data, ODOT-TSD will prepare the Compliance Report and e-mail it to the provider's Program Coordinator. Advise ODOT-TSD if delivery by US mail or FAX is preferred.

The Compliance Report is a formal reporting of program deficiencies (Observations) and describes required corrective action. Because the Compliance Report is prepared after full evaluation of data, and after the provider has reported any interim corrective action, the Compliance Report may differ from the Observation Summary Report that was provided at the time of the exit interview.

## How to Respond: Observation Summary Report or Compliance Report

- Deficiencies noted during the review must be corrected, and the program brought into compliance as soon as possible. All required **corrections must be completed and reported to ODOT-TSD within 30 calendar days of the review date**, OAR 737-015-0110(6). Response must include the following:
  - A detailed letter describing corrective action that has been completed;
  - Photocopies of records or receipts, if applicable; and
  - Signature of a responsible person.
- Each Observation must be addressed. Fully describe corrective action for every observation.
- Appropriate correction may require monitoring or other changes to your program to assure the deficiency does not re-occur. If so, describe the changes you have made.
- If Observations cannot be corrected within 30 calendar days due to cost or time constraints, submit a detailed plan including timelines for completion.
- Whether or not deficiencies appear on the report, a provider should carefully consider any recommendations or items of concern that were noted.

- Send the corrective action report to:

Mary De Ferrari, Quality Assurance Specialist  
ODOT-Transportation Safety Division, MS 3  
Driver Education Program  
4040 Fairview Industrial Drive SE  
Salem OR 97302-1142

FAX: 503.986.3143, Attn: Mary De Ferrari  
Email: [mary.b.deferrari@odot.state.or.us](mailto:mary.b.deferrari@odot.state.or.us)

- When satisfactory response has been received, ODOT-TSD will issue a letter stating that requirements have been satisfied.
- ODOT-TSD may perform follow-up visits without prior notification.

## Resources - Contacts

- **ODOT Transportation Safety Division website**

<http://www.oregon.gov/ODOT/TS/de.shtml/>

- Oregon Administrative Rules:
  - Approved Teen Program, OAR 737-015-0010 thru 0030
  - DMV Commercial Driving Schools, OAR 735-160-0003 thru 0130
- Required annual forms
- Program Newsletters
- Provider and Instructor resources
- Oregon Driver Manual and Oregon Parent Guide to Teen Driving

- **ODOT Driver Education Program General Contact Information**

- Driver Education general contact:
  - Phone 503.986.4291
  - Email: [ODOTDEmail@ODOT.state.or.us](mailto:ODOTDEmail@ODOT.state.or.us)
  - Fax: 503.986.3143
  - Mailing address:  
ODOT, Transportation Safety Division, MS 3  
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4040 Fairview Industrial Dr SE  
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- William A Warner, Program Manager
  - Phone 503.986.4413
  - Email: [william.a.warner@odot.state.or.us](mailto:william.a.warner@odot.state.or.us)
  
- **ODTSEA (Oregon Driver and Traffic Safety Education Association) website:**  
[www.odtsea.org](http://www.odtsea.org)
  
- **Oregon Secretary of State, Archives Division (Oregon Administrative Rules)**  
[http://sos.oregon.gov/archives/Pages/oregon\\_administrative\\_rules.aspx](http://sos.oregon.gov/archives/Pages/oregon_administrative_rules.aspx)
  
- **Oregon State Legislature (Oregon Revised Statute)**  
[https://www.oregonlegislature.gov/bills\\_laws/Pages/ORSarchive.aspx](https://www.oregonlegislature.gov/bills_laws/Pages/ORSarchive.aspx)