

DRIVER EDUCATION PROVIDER MANUAL



"DOING IT RIGHT"

**Michigan Department of State
Driver Programs Division
Driver Education Section**

March 2019

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DRIVER EDUCATION INSTRUCTOR CERTIFICATION - ORIGINAL

Applicants requesting certification as driver education instructors may apply to the Secretary of State for a driver education instructor certificate in one or more of the following classifications:

1. Adult driver training.
2. Teen driver training.
3. Truck driver training.

To qualify for a driver education instructor certificate from the Secretary of State an applicant must:

1. Be at least 21 years of age.
2. Possess a valid driver license that has been in continuous effect for not less than 5 years immediately preceding the application.
3. Complete and submit an *DES-101 Instructor Certification Application*. Provide the applicant's driver license number (If an out-of-state resident, an up-to-date certified driving record must also be submitted).
4. Provide a statement indicating whether the applicant has applied for a driver education instructor certificate in this or any other state, and the result of that application.
5. Provide a statement indicating whether the applicant has previously had a driver education instructor certificate revoked or suspended in this state or any other state.
6. Complete a criminal history check.
7. Certify there is no pending criminal matter or outstanding arrest, warrant, or conviction since submitting a request for a criminal history check.
8. Submit a \$45 nonrefundable application processing fee.
9. Submit a certified medical examination report that is not older than 90 days that is prepared by a physician, physician's assistant, or certified nurse practitioner.
10. An official transcript from an approved college, university, or person to verify the completion of a driver education instructor preparation program as described in Section 23 of PA 384 of 2006.
11. Other information and documents as requested by the Secretary of State to determine an applicant's qualifications for certification.

A driver education provider may not employ a person as an instructor until the person has been certified by the Secretary of State, and the provider has received a photocopy of the instructor certificate. Instructor certification applicants may not begin providing training (classroom or behind-the-wheel) to students until a certificate has been issued.

A certified instructor may teach for multiple providers on a single instructor certificate. Separate certifications are not required for providing instruction in the same classification for multiple providers.

The driver education instructor certificate is the official identification of an instructor and, when presented to a student, assures them that s/he is certified. The certificate must be displayed in a location that is in view of the students while giving instruction.

Conditional Driver Education Instructor Certificate (for teen, adult classifications)

A conditional driver education instructor approval letter may be issued to an individual who provides evidence that he/she has completed the first three courses of an approved driver education instructor preparation program and is enrolled in the practicum. A person shall not participate in a practicum course conducted by a college, university, or person approved by the Secretary of State unless the person possesses a conditional driver education instructor approval letter.

A person shall apply to the Secretary of State for conditional driver education instructor approval. The Secretary of State may issue an approval letter after the person presents satisfactory evidence to the Secretary of State that the applicant complies with the following:

1. Meets all of the driver education instructor application requirements for an original instructor certificate (including having completed the first three IPP courses), except for the completion of a practicum course.
2. Is enrolled in a practicum course conducted by a college or university or by a person approved by the Secretary of State.
3. The mentor instructor identified on page two of the instructor application is in good standing with the Secretary of State, and has been certified to teach teenagers for not less than four years.
4. The employing provider is in good standing with the Secretary of State.

This does not apply to an applicant for a driver education instructor certificate that is limited to the truck driver education classification.

The list of “Driver Education Instructor Preparation Program Approved Agencies” can be found on the Secretary of State www.Michigan.gov/DriverEd website.

DRIVER EDUCATION INSTRUCTOR RENEWAL CERTIFICATION

A certified driver education instructor may apply to the Secretary of State for renewal of his or her driver education instructor certificate by submitting:

1. A properly completed application signed by the applicant.
2. A certification that the applicant complies with the professional development requirements and any additional verification regarding compliance with the professional development requirements as prescribed by the Secretary of State.
3. A nonrefundable application processing fee of \$45.
4. A certified medical examination report that is not older than 90 days.
5. A criminal history check (every four years at the time of certificate renewal).
6. Other information and documents prescribed by the Secretary of State.

Instructor renewal applications will be mailed approximately 60 days prior to the respective certificate expiration dates. Email notifications will be sent approximately 90 days prior to the certificate expiration dates. Providers should be aware of the expiration dates of their instructors' certificates, and encourage them to renew early so there is no lapse in employment.

If the Secretary of State receives a properly completed renewal application before the applicant's current certificate expires, the certificate continues in full force and effect until the new application is approved or denied. If a properly completed renewal application is not received before a driver education instructor certificate expires, the driver education instructor shall not offer to engage or engage in the activity of a driver education instructor until the Secretary of State issues the holder of the expired certificate an original or renewal certificate.

An instructor that applies for a certificate renewal later than 30 days after the certificate expires shall apply to the Secretary of State for an original driver education instructor certificate.

An instructor's renewal certificate expires 2 years after its issuance on the same day and month that the original certificate expired.

REMINDER... Instructors are required to complete an approved professional development option during each two-year renewal cycle. Options are posted on the Secretary of State's website. As noted on the instructor renewal application, when an instructor renews, he/she is certifying that they have completed an approved professional development option during the past two-year renewal cycle. Failure to complete an approved option is a violation of the law.

FINGERPRINT BASED MICHIGAN AND FBI CRIMINAL HISTORIES - INSTRUCTOR

All driver education instructors are required by law to provide State (Michigan) and FBI criminal records (fingerprint based) to the Secretary of State. The electronic fingerprinting service is offered by private vendors throughout the state. The Michigan State Police website maintains the list of approved vendors. To obtain fingerprint based criminal records, the following steps must be completed:

1. Applicants must send a request for a criminal history check to the Michigan State Police with the required fees. The *Livescan Fingerprint Background Check Request* must be used when getting fingerprinted by one of the approved private vendors.
2. To schedule an appointment, follow the instructions on the *Livescan Fingerprint Background Check Request*.
3. The Michigan State Police (MSP) will conduct a criminal history check after receiving a proper request from an MSP approved live scan vendor. To locate an MSP approved live scan vendor please visit www.Michigan.gov/MSP. In the “search” box (upper right corner) type in “Private Live Scan Vendors” and click GO. A report of any information found will be provided to the Secretary of State.
4. The Secretary of State shall not approve an original or renewal driver education instructor certificate before receiving and reviewing the applicable criminal history checks from the Michigan State Police and the Federal Bureau of Investigation.
5. The Secretary of State shall use the criminal history report only for evaluating an applicant’s qualifications to receive a driver education instructor certificate.

Some individuals have had their local police agencies perform the electronic fingerprint services. For this to be accepted, the *Livescan Fingerprint Background Check Request* must be used, and the **Agency ID (3720E)** and **Reason Fingerprinted (LDE – Dept of State, Driver Education Certification)** must be entered. Be sure to check to ensure these two requirements are met. Otherwise, the results will not be sent to the Secretary of State, and the individual may need to get fingerprinted again.

The Secretary of State is prohibited from issuing a certificate to a driver education applicant whose criminal history includes a disqualifying conviction as described in Section 59 of PA 384 of 2006.

Submitting Updated Criminal History Records

Instructors are required to submit Michigan State Police and FBI criminal history records (fingerprint based) with the original instructor certification application and every four years with the renewal certification application in order to be certified.

Submitting “fingerprints” does not satisfy the criminal history record requirement. The requirement is not satisfied until the actual State and FBI criminal history records are received and reviewed by Secretary of State staff.

CRIMINAL HISTORY DENIAL CRITERIA

The following information can also be found in the Driver Education Provider and Instructor Act (DEPIA, PA 384 of 2006).

Section 59 – The Secretary of State shall automatically deny an original or renewal application for a driver education instructor and shall automatically revoke an instructor certificate without the necessity for notice and an opportunity for a hearing, if a criminal history check indicates a conviction of a violation or attempted violation of any of the following:

1. Criminal sexual conduct, assault with intent to commit criminal sexual conduct, or an attempt to commit criminal sexual conduct, in any degree under MCL 750.520b to 750.520g.
2. A felony involving a criminal assault or battery on an individual.
3. A crime involving felonious assault on a child, child abuse in the first degree, cruelty, torture, or indecent exposure involving a child.
4. A felony involving the manufacture, distribution, or dispensing of a controlled substance or possession with intent to manufacture, distribute, or dispense a controlled substance.
5. A felony conviction involving fraud as an element of the crime.

A denial or revocation shall continue for not less than 10 years from the date of the conviction.

Convictions Received After Certification

A driver education provider or a provider's designated representative or coordinator must immediately notify the Secretary of State if convicted of a violation or attempted violation listed in Section 59 of the Driver Education Provider and Instructor Act (also listed above). The designated representative or coordinator of a provider must also notify his or her driver education provider employer.

Notifications to the Secretary of State must be in writing and must include the following:

1. Identify the conviction.
2. Identify the date of the conviction.
3. Identify the court that imposed the conviction.
4. Details must include an explanation of the events surrounding the arrest (complaint or information statement), the arresting police agency (warrant information), court of jurisdiction, judgment or sentence, guilty plea or plea agreement.

You may also include any other information you feel would help clarify the conviction.

Section 63 – In addition to Section 59 above, this section provides:

1. The secretary of state shall automatically suspend or revoke a driver education instructor's certificate without notice and an opportunity for a hearing if the instructor's driver license is denied, suspended, revoked, or canceled by this state or another state. A driver education instructor whose driver license is denied, suspended, revoked, or canceled by this state or another state shall immediately return his or her instructor's certificate to the Secretary of State.
2. The Secretary of State may reinstate a driver education instructor's certificate suspended under this section if the instructor's driver license denial, suspension, revocation, or cancellation terminates before the instructor's certificate expires and the instructor submits a written request to the Secretary of State, as prescribed by the Secretary of State, for that reinstatement.
3. The Secretary of State shall not reinstate a driver education instructor certificate that is revoked under this section. A driver education instructor whose certificate is revoked may apply to the Secretary of State for an original driver education instructor certificate.

If an instructor is “associated” with a provider, in that a provider submitted a *DES-P06 Request of Change-Form B*, the Secretary of State will notify the driver education provider that the instructor's certificate has been cancelled, suspended, or revoked. It is the responsibility of the provider to immediately discontinue the use of an instructor. Providers who do not adhere to the law will be in violation and may face disciplinary action.

DRIVING RECORD DENIAL CRITERIA

Section 61

1. The Secretary of State shall automatically deny a driver education provider or instructor application or revoke a provider's or instructor's certificate without notice and an opportunity for a hearing, for a conviction for a violation or attempted violation for which 4 or more points are assessed under MCL 257.320a.

The denial or revocation shall remain in effect until the individual completes 5 consecutive years without another 4 or more point conviction under MCL 257.320a.

[If an instructor certification applicant moved to Michigan from another state during the 5-year period preceding the date on the instructor certification application and was issued a driver license by that state, a certified copy of the applicant's driving record from the prior state of residence must be submitted with the instructor certification application].

2. The Secretary of State shall automatically deny a driver education provider or instructor application, or revoke a provider's or instructor's certificate without notice and an opportunity for a hearing, until the individual does **not** have within the prior 2 years, 1 or more of the following:
 - a. Any combination of three or more driver license denials, suspensions, or revocations for failure to appear in court or a failure to comply with a court judgment under MCL 257.321a.
 - b. Conviction or finding of responsibility for a traffic violation in connection with 2 or more motor vehicle accidents.
 - c. An accumulation of 6 or more points under MCL 257.320a.
 - d. Transportation or possession of open alcohol container in vehicle.
 - e. Person less than 21 years of age with any bodily alcohol content.
 - f. Careless or negligent driving resulting in civil infraction.

Suspensions

Section 63 – In addition to Section 61 above, this section provides:

1. The Secretary of State shall automatically suspend or revoke a driver education instructor's certificate without notice and an opportunity for a hearing if the instructor's driver license is denied, suspended, revoked, or canceled by this state or another state. A driver education instructor whose driver license is denied, suspended, revoked, or canceled by this state or another state shall immediately return his or her instructor's certificate to the Secretary of State.
2. The Secretary of State may reinstate a driver education instructor's certificate suspended under this section if the instructor's driver license denial, suspension, revocation, or cancellation terminates before the instructor's certificate expires and the instructor submits a written request to the Secretary of State, as prescribed by the Secretary of State, for that reinstatement.
3. The Secretary of State shall not reinstate a driver education instructor certificate that is revoked under this section. A driver education instructor whose certificate is revoked may apply to the Secretary of State for an original driver education instructor certificate.

If an instructor is “associated” with a provider, in that a provider submitted a *DES-P06 Request of Change-Form B*, the Secretary of State will notify the driver education provider that the instructor's certificate has been cancelled, suspended, or revoked. It is the responsibility of the provider to immediately discontinue the use of an instructor. Providers who do not adhere to the law will be in violation and may face disciplinary action.

Out-of-State Driver License

A driver education instructor certification applicant who is not a resident of Michigan must submit an up-to-date certified driving record from their state of residence to the Secretary of State. The applicant must submit an up-to-date certified driving record every 60 days for as long as the applicant is not a resident of this state.

MEDICAL EXAMINATION REPORTS

All driver education instructors must be physically able to operate a motor vehicle and to train others in the operation of motor vehicles. To verify an instructor's physical ability, a dated medical examination report, preferably the Secretary of State's *DES-I05 Medical Examination Report*, must be submitted to the Secretary of State.

The U.S. Department of Transportation's "Medical Examiner's Certificate (for Commercial Driver Medical Certification), MCSA-5876" will be accepted in place of the form prescribed by the Secretary of State.

A medical examination report cannot be more than 90 days old when submitted.

Submitting an Updated Medical Examination Report Upon Renewal

An updated medical examination reports must be submitted by the instructor certificate's expiration date. If the updated medical report is not received by the instructor certificate's expiration date, it may impact the application renewal process, and subsequently the instructor's certification.

A medical examination report must be submitted with the original instructor certificate application and an updated medical examination report with every subsequent certificate renewal application (biennially).

PROFESSIONAL DEVELOPMENT

Driver Education Instructor Professional Development Requirements

The Driver Education Provider and Instructor Act, MCL 256.641, requires instructors to certify compliance with the professional development requirements prescribed by the Secretary of State upon each renewal of his or her instructor certificate. In order to fulfill the requirement for each renewal cycle (every two years), an instructor must complete one of the options approved by the Secretary of State. The requirement must be attained within the instructor's current certification period.

Options that are recognized as approved and ongoing include:

1. Attendance at a state, regional, or national professional traffic safety organization conference or workshop approved by the Department of State.
2. Completing an online, distance learning, or email correspondence course.
3. Attendance at an approved workshop, seminar, or other training offered or sponsored by a professional organization (e.g., AAA, Association of Driving Educators for the Disabled, Michigan Center for Truck Safety, Michigan Driver and Traffic Safety Education Association, Office of Highway Safety Planning). To obtain approval for an option in this category which is not listed on the Department's Web site, instructors should submit information describing the proposed workshop, seminar, or training (including date, time, location, and topics presented) to the Traffic Safety Programs Division for review. If the proposed option is acceptable, the workshop, seminar, or training class will be added as an approved option.

To access the professional development options that are currently available click on the following link, and scroll to the bottom bullet that reads "Approved Driver Education Instructor Professional Development":

If you are reading a paper copy of this page, go to www.Michigan.gov/DriverEd. In the "search" box (upper right corner) type in "Approved Driver Education Instructor Professional Development", and click GO. Click on the first item listed (the PDF entitled "Approved Driver Education Instructor Professional Development").

Approved instructor professional development options are posted on the Department's Web site and updated regularly.

Instructors must retain appropriate documentation (e.g., registration receipts, certificates of completion, etc.) which reflects completion of professional development requirements. Random reviews will be performed to ensure instructors have completed the minimum requirements. **Do not send in the professional development documentation unless contacted.**

As a driver education provider, it would be prudent to remind your instructors as to this requirement, and monitor their compliance, so their certification does not become jeopardized.

If you have questions or need further information about professional development requirements, please contact the Michigan Department of State, Driver Programs Division, at (517) 241-6850.

DECEPTIVE OR UNCONSCIONABLE METHODS, ACTS, OR PRACTICES**Section 67**

A driver education provider or instructor shall not engage in a deceptive or unconscionable method, act, or practice. The following are deceptive or unconscionable methods, acts, or practices.

- a. Using, adopting, or conducting business under a name that is the same as, like, or deceptively similar to, the name of another driver education provider.
- b. Except as otherwise provided in this subsection, using the word “state,” “government,” “municipal,” “city,” or “county” as part of the name of the driver education provider. This provision does not apply to an educational institution or a governmental agency.
- c. Advertising, representing, or implying that a driver education provider is supervised, recommended, or endorsed by, or affiliated or associated with, or employed by, or an agent or representative of this state, the Secretary of State, or a bureau of the Secretary of State.
- d. Advertising or publicizing under a name other than the provider’s full business name as identified on the provider’s application for a driver education provider certificate.
- e. Advertising that the provider is open for business before the Secretary of State issues a driver education provider certificate to the provider.
- f. Soliciting business on the premises of any facility rented, leased, owned, or used by the Secretary of State.
- g. Misrepresenting the quantity or quality of the instruction provided or the requirements for a driver license, endorsement, minor restricted or temporary permit, or driver education certificate.
- h. Failing to promptly restore any deposit, down payment, or other payment that a person is entitled to after an agreement is rescinded, canceled, or otherwise terminated as required under the agreement or applicable law.
- i. Taking advantage of a student’s or potential student’s inability to reasonably protect his or her interest because of a disability, illiteracy, or inability to understand the language of an agreement, if the driver education provider knows or reasonably should have known of the student’s or potential student’s inability.
- j. Failing to honor a term of a student’s, parent’s, or legal guardian’s agreement.
- k. Falsifying a document, agreement, record, report, or certificate required under this act or a rule promulgated under this act.
- l. Causing or allowing a student, parent, or legal guardian to sign a document in blank.

SANCTIONS

The following information can also be found in the Driver Education Provider and Instructor Act (DEPIA, PA 384 of 2006).

Section 69 – Grants the Secretary of State the authority to impose one or more of the sanctions in subsection (2) after notice and opportunity for a hearing if the Secretary of State determines that a person, a driver education provider, a driver education instructor, or an applicant for either a provider or instructor certificate did 1 or more of the following:

1. Failed to meet a requirement under this act or a rule promulgated under this act.
2. Violated this act or a rule promulgated under this act.
3. Made an untrue or misleading statement of a material fact to the Secretary of State or concealed a material fact in connection with an application for a provider or instructor certificate.
4. Permitted fraud or engaged in a fraudulent method, act, or practice in connection with a driver license or temporary driving permit application submitted to the Secretary of State, or induced or countenanced fraud or a fraudulent method, act, or practice on the part of an applicant for a driver license or permit.
5. Engaged in an unfair or deceptive method, act, or practice or made an untrue statement of a material fact.
6. Violated a condition of probation or suspension or an order issued under this act.
7. Failed to maintain good moral character as defined and determined under 1974 PA 381, MCL 338.41 to 338.47, in connection with business operations.

After the Secretary of State determines that a person, a driver education provider, a driver education instructor, or an applicant for a provider or instructor certificate committed a violation listed in subsection (1), the Secretary of State may impose upon the person, provider, instructor, or applicant 1 or more of the following sanctions:

1. Denial of an application for a driver education provider certificate or a driver education instructor certificate.
2. Suspension or revocation of a driver education provider certificate or a driver education instructor certificate.
3. An administrative fine paid to the Secretary of State in an amount not to exceed \$1,000 for each violation.
4. A requirement to take the affirmative action determined necessary by the Secretary of State, including payment of restitution to a student or to an injured person.

A sanction may be imposed under subsection (2) in addition to criminal penalties otherwise imposed for the same violation under this act or by law. The remedies and sanctions under this act are independent and cumulative.