

**MINUTES OF THE
GEORGIA DRIVER'S EDUCATION COMMISSION MEETING
March 21, 2017
Department of Driver Services Headquarters, Conyers, GA**

Chairman Blackwood called the March 21, 2017 Georgia Driver's Education Commission meeting to order at 1:30 p.m. Those in attendance and constituting a quorum were as follows:

Board Members in Attendance

Mr. Harris Blackwood, Chairman (by phone)
Mr. Spencer Moore, Vice Chairman
Mr. Alfred Barber
Ms. Beth Graham
Ms. Lidell Greenway
Ms. Malika Reed Wilkins

Board Members not in Attendance

Mr. Kevin Boyd
Mr. Eddie Rish

Non-members in attendance were as follows:

Mr. Barry Schrenk, Taggart's Driving School and registered lobbyist for Georgia Association of Risk Reduction and Defensive Driving Educators
Mr. Robert Hydrick, Georgia Governor's Office of Highway Safety
Mr. Jim Andrews, Georgia Governor's Office of Highway Safety
Mr. Ricky Rich, Georgia Department of Drivers Services
Mr. John Fleisch, Office of Planning and Budget
Mr. Martin Momtahan, West Metro Driving School
Ms. Juenesse Holman, Georgia Department of Driver Services
Ms. Denaë Hartsfield, Georgia Department of Driver Services
Mr. Tommy Grant, Georgia Department of Driver Services
Ms. Kecia Bivins, Georgia Department of Driver Services
Ms. Tunnizia Weston, Georgia Department of Driver Services
Ms. Erika Sims, Georgia Driver's Education Commission
Mr. Jimmy Sumner, Georgia Department of Driver Services
Ms. Amy Radley, Attorney General's Office
Mr. Josh Turner, Georgia Driver's Education Commission

Call to Order

Chairman Harris Blackwood called the meeting to order at 1:30 p.m. and established that a quorum was present.

Introduction of New Commission Members

Chairman Harris Blackwood recognized two new members of the Commission. Mr. Spencer Moore Commissioner of the Georgia Department of Driver Services and Malika Reed Wilkins both are appointed by the Georgia Department of Driver Services. Mr. Moore and Ms. Wilkins introduced themselves. Mr. Josh Turner then administered the Oath of Office to Mr. Moore and Ms. Wilkins. Both individuals signed the Oath of Office.

Chairman Blackwood then asked those non-members of the Commission to identify themselves.

Adoption of Agenda

Mr. Harris Blackwood presented the agenda. Spencer Moore made a motion to adopt the agenda as proposed. Beth Graham seconded the motion. The motion passed unanimously.

Election of a Vice-Chairman

Chairman Blackwood announced the vacancy for the position of Vice Chairman due to the resignation of Mr. Bert Brantley and opened the floor for nominations for the position of Vice-Chairman. Mr. Alfred Barber made a motion to nominate Mr. Spencer Moore. Chairman Blackwood asked if there were any other nominations. Hearing no other nominations, Chairman Blackwood closed nominations for the position of Vice Chairman. Mr. Spencer Moore was elected as Vice Chairman by acclamation.

Approval of November 16, 2016 Meeting Minutes

Chairman Blackwood presented the meeting minutes from the November 16, 2016 meeting. Mr. Spencer Moore made a motion to approve the November 16, 2016 meeting minutes. Ms. Malika Reed Wilkins seconded the motion. There was no discussion. The motion passed unanimously.

Staff Report

Chairman Harris Blackwood introduced Mr. Josh Turner to present the staff report.

Mr. Turner gave an update on the Georgia Driver's Education Grant Scholarship Program and provided the following statistics:

- The program went live on March 1, 2017.
- As of March 20, 2017, 796 students have applied for and been awarded a grant scholarship.
- A breakdown of grant scholarships awarded by Congressional District.

	March 2017	
District	Applied	Approved
1	40	40
2	126	126
3	145	145
4	31	31
5	13	13
6	5	5
7	19	19
8	89	89
9	65	65
10	36	36
11	15	15
12	115	115
13	22	22

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14	75	75
Total	796	796

- A breakdown of grant scholarships awarded by category tier.

	Applied	Approved	Percentage
Tier 1	0	0	0
Tier 2	464	464	58
Tier 3	332	332	42
Total	796	796	100

- GDEC has contracted with 32 providers to be authorized providers accounting for 126 different locations
- Distributed 50,000 across Georgia including a packet being sent to every public high school counselor in Georgia
- Press release issued on March 1 advertising the program resulting in numerous earned media reports across Georgia

Mr. Turner announced to Chairman Blackwood that Ms. Lidell Greenway joined the meeting. Mr. Blackwood welcomed Ms. Greenway and she commented that she was glad to see so much constructions on Georgia highways.

Mr. Turner then provided a demonstration of the application process on the online portal at www.georgiadrivers.ga.gov.

Mr. Turner then offered to answer any questions.

Mr. Alfred Barber asked that if a student answered yes to the question on the application regarding being suspended from school if it was an automatic denial. Mr. Turner responded that it did not automatically deny the application but that affirmative responses were noted on reports. Mr. Barber also asked whether or not students who have already received GDEC funded driver's education were prohibited from applying. Mr. Turner responded that the previous scholarship recipients prior to the launch of this program were not prohibited from applying in this scholarship program but the likelihood of students wanting to complete driver's education two times was unlikely. Mr. Barber followed up his question by asking how burdensome or costly it would be to enter that data. Mr. Turner responded that would have to obtain a cost estimate and ask that the board give him the authority to make that decision once the cost was determined.

Vice Chairman Moore asked if he would explain the tier categories referenced earlier in the report. Mr. Turner explained that when applicants apply for the grant scholarship, they are placed in one of three categories based on the criteria that the Commission adopted. Further he explained that tier one students are those who are the dependent of a United States military veteran killed in action or a Georgia public safety professional killed in the line of duty.

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Dependents of military personnel are required to submit the casualty report from the Department of Defense and dependents of public safety professionals submit their birth certificate or court documents that is confirmed with the Georgia Public Safety Memorial Committee. Tier two students are those students with a gross family income of 125% of the free and reduced lunch rate for the number of persons in their household. Tier three is all other applicants who do not fit in tier one or tier two.

Mr. Barber asked if the report by tier level could be broken down by Congressional district. Mr. Turner explained that the reports do not currently dissect the data on two levels, but would explore that option to determine cost.

Chairman Blackwood asked if there were any more questions for Mr. Turner.

Mr. Turner further clarified that in the remaining months of the current fiscal year, that he planned to award scholarships on a weekly basis instead of on a monthly basis due to the delay in the implementation of the program and asked if there was any objection to that from the Commission, he would be happy to discuss it further, but if it pleased the Commission, he would proceed with weekly awards. Mr. Barber commented that it was a great idea to have ongoing weekly award due to the timeframe involved. Chairman Blackwood agreed that would be a good way to get the program started because of the constraints with the budget year and getting the funds allocated.

Mr. Turner further commented that once we move into the next fiscal year, he wouldn't feel comfortable awarding scholarships more than one time per month because it would create an unfair advantage as the number of scholarships between March and June of 2017 would be similar to the number of scholarship between July 2017 and June 2018 and students with a birthday in month 12 of the fiscal year might not have the same chance of being awarded an at-random scholarship as a student in month 1 of the fiscal year. Vice Chairman Moore asked what the capacity of grant scholarships awards. Mr. Turner explained that the number of grant scholarship awards per year would be around 4,000 but that number was subject to increase based on the differing rates of providers throughout the state. Further, Mr. Turner explained that the number of grant scholarships awarded would be ongoing process that was monitored after the grant scholarships awarded with the number of grant scholarships that are redeemed.

Chairman Blackwood asked if there were any other questions. Mr. Barber said that he wanted to make a comment to Mr. Turner and his staff that they have done a great job in implementing the program amongst a great deal of pressure from providers and parents. Further, Mr. Barber commented that spring break classes are filling up around the state and reported that his driver training school has 72 students scheduled to take driver's education during spring break and much of that is attributed to the GDEC grant scholarship program. Mr. Turner thanked Mr.

Barber for his comment and recognized Mr. Erika Sims and Mr. Jimmy Sumner for their work and dedication to the program. Mr. Barber commented that it was suprising that the three GDEC staff members were able to turn out so much work. Chairman Blackwood commented that the staff did a great job, thanked them for their work and thanked Mr. Barber for his kind words.

Consider Adoption of Amendments to Student and Provider Eligibility Requirements for Grant Scholarship Program

Chairman Blackwood then recognized Mr. Turner to present the proposed changes to the Student and Provider Eligibility Requirements for the Grant Scholarship Program. Mr. Turner explained the four proposed to changes as follows:

1. Paragraph A2. Adding "or driver's license" to the end of the sentence.

Mr. Turner explained that the student eligibility criteria allows fifteen, sixteen and seventeen year old students to apply and some sixteen and seventeen year olds who have their driver's license have not had any formal driver's education training and desire to apply for a scholarship.

2. Paragraph A9. Deletes the last sentence of the paragraph.

Mr. Turner explained that this sentence should have been deleted during the November meeting as it allows providers to bill parents up to half of the fee for driver's education for students who fail or withdraws from class. During the November GDEC meeting, a provision for providers was created to allow providers to charge GDEC their regular rate for failures and hourly rates for students who withdraws from class.

3. Paragraph B5. Allows providers to have a moderate or severe risk assessment within the past

year as long as the driver training school provides the Commission with the subsequent audit report demonstrating that the concerns raised in the original DDS audit report have been satisfactorily addressed before they will become an authorized provider in the program.

4. Paragraph B8. Clarifies the Commission's position that virtual classroom instruction does not

qualify for eligibility in the grant scholarship program.

Chairman Blackwood asked if there were any comments about these proposals. Mr. Barber asked for clarification on the text that was being deleted and moved and Mr. Turner provided that clarification.

Ms. Amy Radley, Assistant Attorney General, asked Chairman Blackwood about items on the agenda regarding waivers and said that it appears that amending the eligibility criteria requirements would negate the waiver portion at the end of the meeting and asked if her assessment was correct. Further she asked if the intent was to amend the criteria so that those who were asking for waivers didn't need waivers. Chairman Blackwood replied that some would be waivers. Ms. Radley responded that she was confused because waivers applied to rules and

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that this wasn't a rule, it was a contract that people are supposed to fill out and sign and then it goes to the Commission to decide if it is accepted. She advised that if the Commission is changing the contract for a certain group to fit in it doesn't pass the smell test. Further Ms. Radley advised that in general, state agencies have the same contract across the board for the same type of contracts. For example, if you have two providers that provide lunch room services, those two contracts are generally going to be the same. They may have different money amounts, but they are generally going to have the same terms. What you have now is providers who have already signed and now you are changing the contract. So my concern legally is that this contract can be open to attack from providers who didn't meet the requirements or from someone who argues that the contract given to one provider is different from all of the rest of the providers. So I'm just making you aware that this is subject to attack because y'all are changing the contract.

Vice Chairman Moore asked if would be possible to have the current authorized providers who have already signed a contract to sign the amended contract. Ms. Radley said that would theoretically clear the defects especially since notice would be given of the changes in the contract but didn't know what kind of expense would be entailed. She further stated that the fact doesn't change that the contract for all providers would be amended to satisfy a few providers who fall outside of the current criteria and that her legal opinion would be that the contracts should be the same across the board for all providers.

Mr. Barber asked if that Section B5 was eliminated altogether if the problem would be solved because, in his opinion, the question about the contract being inequitable across different providers may be the case since technical colleges, high schools and private providers are under different mandates and regulations. Further, he asked that since Ms. Radley stated that there had to be consistency in the provider contract, would it not be a conflict?

Ms. Radley asked Vice Chairman Moore if DDS would accept a driving certificate from a school that isn't in good standing. Vice Chairman Moore responded that they would not. Mr. Barber argued that the information was not correct and that if a school had a "write-up" and the school issued a 30-6 certificate that the DDS service center would accept the certificate and administer the driving test. Vice Chairman Moore explained that they would accept it if the driving school was not suspended. Mr. Barber said they he wasn't talking about being suspended, just a "write-ups" and he feels that is where the inconsistency comes into play from private providers and technical colleges and that the Commission has to be consistent across the board. Further he explained that if a business has a license on the wall, there should be no penalty in the state contract for withholding funds unless the license is not suspended or revoked. Mr. Barber then explained that after consulting with his legal counsel, there could be an issue there.

Ms. Radley commented that there could also be an issue if the school has had problems and the license is suspended and then the student is in the middle of a situation where they have a

certificate that is of no value. Further, Ms. Radley explained that her understanding is that Paragraph 5 was implanted to protect the student and that this entire scholarship program was about the student. She again stated that the main concern is that the contract is consist among all providers.

Mr. Barber moved that Paragraph B5 be removed completely to avoid and potential legal issue in the future and stated that if a school has the ability to issue a certificate, they should not be penalized from participating in this contract. Further, Mr. Barber explained that he felt this provision would be hard to defend in a court of law.

The motion died for lack of being seconded.

Vice Chairman Moore said in lieu of what Mr. Barber proposed, if the language was amended to state "suspended or revoked", it would be more in line with Mr. Barber wanted to achieve. Mr. Barber commented that it would acceptable because if the license was suspended or revoked, the provider would not have the ability to issue certificates. Ms. Greenway asked that before a motion was put fourth, if legal counsel would provide an opinion. Ms. Radley stated that from a legal perspective, it was fine; but that the reason this provision was in the criteria was to protect the student and equated it to dining in a restaurant with a poor health inspection report and knowing that the restaurant had compliance issues. Similarly, she explained that this provision was in place to protect the student from being mid-course in driver's education class or recently completed and presenting the certificate to DDS and not being able to obtain a license and the student not having a recourse.

Vice Chairman Moore asked that Kecia Bivins, Director of Regulatory Compliance for DDS explain the process that DDS goes through to consider a program to not be in good standing. Ms. Bivins explained that if a program is suspended or revoked, their access to O.C.R.A., the program that a school submits their certificates through, is revoked. Further she explained that throughout the auditing process, schools are audited on a risk-based audit methodology. If a school is in good standing, it will typically be audited once per year. The audit is rated on a three-scaled basis: one-a severe audit finding, two-a moderate audit finding, and three-a minor audit finding. For category one, there is a follow-up audit within 30 days, category two, there is a three month follow up, and category three, there is a six month follow-up. During this process, schools are able to continue classes and issue certificates. It is not until the school's license is suspended or revoked that their access to O.C.R.A. is revoked.

Ms. Greenway asked what would happen if a student chose a provider during the period of the audit and the follow-up audit and should a school who is under suspension be required to notify students of their suspension when they enroll. Ms. Radley responded that schools under suspension would be able to operate or accept enrollment.

Mr. Barber commented that there was a lot of speculation on the “what ifs” and that the Commission couldn't conduct a contract on “what ifs.” Further, he added that the Commission was not in the position to make moral decisions about whether or not a school can complete a business operation and that he liked the idea of softening the position by adding language to Section B5 that would provide for license that are suspended or revoked. Additionally, he stated that it was an overreach for any state agency to put penalties in contracts for private companies.

Vice Chairman Moore asked his staff from DDS if schools can be placed on probation or if the license was suspended or revoked. Ms. Bivins responded that schools have been placed on probation in the past. Vice Chairman Moore further clarified that are several levels of concern that be identified with placing a school on probation and suspending or revoking their license. Ms. Greenway asked if a school that was on probation accept new students and Ms. Bivins responded that they could.

Vice Chairman Moore said that Ms. Radley's point that both sides had to be covered, the driver training schools and the students who are receiving the grant scholarships that are unaware of the status of those who are operating a business. He further stated that the obligation to the student was to make sure that each provider is operating in good standing. He said that the question is whether or not probation should be the threshold. Mr. Barber said that there is already a mechanism in place to protect students who might choose a provider that can't perform through the bond that is required for providers.

Chairman Blackwood asked what the pleasure of the board on taking action on this item.

Mr. Barber made a motion that Paragraph B5 be amended to only exclude schools whose license has been revoked or suspended and that all others will be permitted to apply for this contact. Ms. Radley stated the motion needed to be more specific to address because the audit report portion of the paragraph would not be changed and would conflict. The motion died for lack of being seconded. Vice Chairman Moore stated to Mr. Barber that adding probation or suspension to this paragraph would not affect any waiver request that would later come before the Commission and that there are tiered levels of infractions that lead to probation and asked DDS staff how many audit findings would lead to a probation. Ms. Bivins replied that it was left to the Department's discretion and the egregiousness of the non-compliance issue. Mr. Barber stated that he felt that it was problematic that providers are monitored outside of rules and regulations because there was no call for a probation period in the rules and regulations that is posted to school owners. Vice Chairman responded that the role of the Department of Driver Services was to safe-guard students and that is a very high standard that they uphold and that the law does give them the discretion to determine who is providing a program at a level that the Department deems necessary to protect students. Ms. Bivins asked that Tunnizia Weston, Field Operations Manager

with DDS, be recognized to provide further information on the probation status. Ms. Weston stated that probation is not based on discretion but rather repeated infractions on follow-up audits and that program owners are notified by letter that if the problem is not corrected, adverse action will be taken against the program by the Department which could be fines, revocation or suspension of license.

Mr. Barber asked if DDS had the authority to place technical colleges on probation. Ms. Bivins responded that the Department did. Mr. Turner added that the Commission had the authority to cancel the contract. Mr. Barber asked if DDS had the authority to place high schools on probation and Vice Chairman Moore stated that Department of Drivers Service could place any program on probation with the exception of colleges. Mr. Barber asked Ms. Radley how she felt about the contract being biased about one group of providers that cannot be effected by this rule. She responded that every contract term does not have to affect every provider.

Ms. Greenway commented that GDEC has the ability to sanction technical colleges for not following their rules that may be stricter than what private providers are subject to such as the additional requirements that state agencies must go through during the hiring process. Further she added that technical colleges are governed, just through other channels. Mr. Barber asked that if Mr. Turner already has that authority through the Commission. Mr. Turner explained that the Technical College System of Georgia essentially takes the role as DDS to their technical colleges and has adopted driver's education standards that each technical college must adhere to. If the colleges are not in compliance, TCSG revoke or suspend their driver's education program. He further explained that as DDS monitors private providers and high schools, the GDEC does the same with technical colleges on the same standards that private providers and high schools are monitored on.

Vice Chairman Moore moved that the Student and Provider Eligibility Requirements for Grant Scholarship Program be amended to incorporate the proposed changes explained by Mr. Turner. Mr. Barber seconded the motion. Chairman Blackwood asked if there was any discussion. Mr. Turner asked Ms. Radley that if the proposed changes were adopted, would the GDEC be required to contact every provider to amend the original contract. Ms. Radley stated that is was not required but recommended that every contract be the same for all providers. The motion passed unanimously.

Requests for Waivers on Provider Eligibility Requirements for Grant Scholarship Program

Chairman Blackwood, who attended the meeting by phone, asked Vice Chairman Moore to preside over this portion of the meeting so that he could identify those in the room who wished to speak.

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Vice Chairman Moore asked if there was anyone in the room that wished to comment from Safety 1st Driver Education, Classic VIP Driving School, or West Metro Driving School. There was no one present from Safety 1st Driver Education and Classic VIP Driving School. Representatives from West Metro Driving School chose not to speak.

Vice Chairman Moore asked Mr. Turner to explain the requests.

Mr. Turner explained that Safety 1st Driver Education, Brunswick, Georgia, DT-643 and Safety 1st Driver Education, Waycross, Georgia DT-644 submitted applications to participate in the program but were denied because they had not been licensed for two years or more. Amy Strickland Courson submitted a letter of appeal to the Chairman and explained that the businesses had been in business since 1992 and was a family business. After becoming ill, Ms. Courson's mother transferred the business to Ms. Courson and her sister. When ownership changed, Ms. Courson applied for a new license from the Department of Drivers Services and the date of license showed they had been in business for fewer than two years. Safety 1st Driver Education provided several years of clean audit reports and are requesting that the Commission reconsider its application to participate as an authorized provider.

Ms. Greenway made a motion that Safety 1st Driver Education, Brunswick, Georgia, DT-643 and Safety 1st Driver Education, Waycross, Georgia DT-644 be permitted to participate in the Georgia Driver's Education Grant Scholarship Program as a provider based on the businesses' history of being licensed by the Department of Drivers Service for more than two years. Mr. Barber seconded the motion. There was no further discussion. The motion passed unanimously.

Mr. Turner explained that Classic VIP Driving School, Dallas, Georgia DT-665 submitted an application to participate in the program but were denied because they had not been licensed for two years or more. Ms. Heather Boyce-James, owner of Classic VIP Driving School submitted a letter of appeal to the Commission based on a lack of providers in the McDonough, Georgia and in Henry and Clayton Counties. Mr. Turner explained that the business had been in business for approximately eight months and had not yet been subject to any audits by the Department of Drivers Services.

Mr. Barber made a motion that Classic VIP Driving School, Dallas, Georgia DT-665 not be permitted to participate in the Georgia Driver's Education Grant Scholarship Program as a provider based on the business only being licensed for eight months. Vice Chairman Moore seconded the motion. There was no further discussion. The motion passed unanimously.

Mr. Turner presented West Metro Driving School, Dallas, Georgia DT-427. Vice Chairman Moore explained that there was no action to be taken on this request as they fall within the good

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standing as identified in the amendment to the Georgia Driver's Education Grant Scholarship Program Criteria.

There was no other business or public comments to come before the Commission.

Vice Chairman Moore made a motion to adjourn. Ms. Greenway seconded the motion. The motion passed unanimously and the meeting was adjourned at 2:44 p.m.

Respectfully submitted,
Erika Sims