

CASE Newsletter

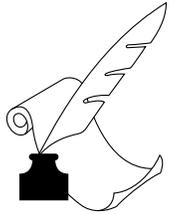
California Association for Safety Education Volume XIII, Number 3 - Nov. 2003

AB 1343 Signed by the Governor

By Jerry Gaines

CASE Governmental Affairs Representative

Outgoing Governor Gray Davis signed AB 1343 (Todd Spitzer - R of Orange, CA) on October 11, 2003 which will eliminate the DMV Authority of obtaining a Learner's Permit with the Simultaneous Enrollment in driver education and driver training. The DMV argued that private commercial driving schools were using this device to market their classes, allowing students to begin driving on the highways without any classroom instruction.



The bill was supported by the Automobile Club of Southern California and opposed by most commercial driving schools and the Driving School Association of California. The bill provides for an exception to the requirement of completing classroom driver education before applying for a Learner's Permit to take driver training. The exception is where the DMV is asked to approve an "integrated program" where both classroom and road instruction is combined in an organized manner (offered by the Automobile Club of Southern California). The bill also

allows for handicapped individuals to teach classroom driver education when they are unable to be licensed to drive a vehicle.

The full text of the bill may be viewed online at the California Legislative Information website: <http://www.leginfo.ca.gov/bilinfo.html>

52nd Annual CASE Traffic Safety Conference April 23-24, 2004 Ramada Hotel Resort, Palm Springs

Our 2004 Conference will again be at the beautiful Ramada Resort & Conference Center, 1800 East Palm Canyon Drive at Sunrise Way, Palm Springs. The hotel has an excellent conference facility and a beautiful garden courtyard complete with an Olympic-size pool and hot therapy pools. It is within walking distance of shopping centers, restaurants and nightclubs. Many fine golf courses are nearby.

- If you are interested in speaking or exhibiting at the conference, please contact John Knippel at (900) 877-2484; e-mail: macbeverly@aol.com

- We are also seeking companies willing to co-sponsor the conference.

Watch for Conference Registration information in the mail, or visit www.casewebsite.org



President's Message

by John Knippel

Welcome back to another exciting year for education in our state. The conference in Palm Springs last April should have given you ideas to put into action this year. The Recall Election will be over by the time this goes to print, but that is another wrinkle in the game of education and politics. We will need to stay on top of events like never before. Make use of your computer skills. Get on the Internet and stay abreast of what is happening. Make phone calls, Send e-mails and faxes. Join CASE and ADTSEA.

We are changing the face of education. Our credentialing program is adding the latest electronic methods. We now have live, video-teleconferencing. We are able to reach the entire state if the local county offices or districts are up to date. We will need volunteers, however, to help with the actual on-street training of the candidates for the credential. Please contact Bill Lee (310) 831-6471 or myself (909) 877-2484 if you are interested in becoming our hands, eyes and feet in your local area. These are exciting times. Get on board the bullet train to education.

The 2004 Spring Conference is going to be the same weekend of April as last year (April 23-24) and at the same hotel: Ramada Inn, Palm Springs. If you want to speak, or if you know someone who wants to speak at the conference, have yourself or them contact me soon. I am already starting to set the speaking schedule. Also, if you know someone who wants to exhibit at or sponsor part of the conference, have them contact me as soon as possible.

Jim Lewis (818) 957-5264 and Craig Dill (916) 925-2991 are setting up Regional Training Sessions. Contact them if you are interested in hosting or attending one. This is a great year to be an active member!

Reducing Liability in Driver Education

by Del Freeman

Western Regional Sales Representative
Doron Precision Systems, Inc.

Editor's Note: The following is from a presentation by Del Freeman at the 2003 CASE Conference.

Liability Issues for the Mentor



The mentor has a legal responsibility to perform tasks in a reasonable and prudent manner when working with a novice driver. The mentor should be able to show evidence of the novice driver's progress, time involved with learning, and the environments associated with teaching a novice driver. Some of the environments are required by statute and some are required by safe practices. For instance, a statute is involved when a new driver is required to drive with a mentor for a fixed period of time at night in many states. Safe practice is involved when the mentor works with a lane change or approaching and crossing a highway rail grade crossing.

When the mentor is performing in a reasonable and prudent manner, written evidence showing when the student practiced specific tasks would be available for review by a defendant's lawyer or the court system. The mentor would need to provide written evidence indicating the new driver was able to perform the tasks in a safe manner. Written documentation will be required to support any verbal evidence of driver behavior during the training period. If written evidence is not available to support verbal testimony, the mentor may hold some tort responsibility for the actions of a new driver in a civil or tort action against the novice driver.

Considerations for protecting yourself as a mentor working with a novice driver include:

1. Check with your insurance company prior to any practice driving episodes.

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CASE Calendar

December 2003 - California Drunk and Drugged Driving (3D) Prevention Month

April 23-24, 2004 - 52nd Annual CASE Conference, Ramada Hotel Resort, Palm Springs. Watch for registration information in the mail or online at www.casewebsite.org.

July 7-10, 2004 - NSSP 2004 National Conference, Seattle, Washington. NSSP: <http://adtsea.iup.edu/nssp>

July 24-29, 2004 - 48th ADTSEA Conference, Doubletree Jantzen Beach Hotel, Portland, Oregon. ADTSEA: <http://adtsea.iup.edu/adtsea>

Traffic Safety Powerpoint Presentations Available

The AAA Foundation for Traffic Safety has developed PowerPoint presentations that are available for downloading. The presentations may be used in whole or in part provided you cite the AAA Foundation as the source.



Topics covered include the following:

- Managing Driver Distraction
- Identifying Actions that Lead to Fatal Car-Truck Crashes
- Driver Distraction and Cell Phones

The presentations may be downloaded at: <http://www.aaafoundation.org/multimedia/presentations>

Student: Teacher, would you punish me for something I didn't do?
Teacher: Of course not.
Student: Good, because I didn't do my homework.

SCDTSEA Newsletter

CASE Newsletter

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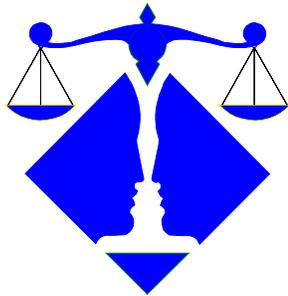
Reducing Liability in Driver Education

(continued from page 2)

2. Meet with driving instructors of the school attended by the novice driver.
3. Obtain a guide for safe in-car practices from the instructor, state agency, local library, or local private agency.
4. Obtain a copy of the state driving manual for your reference.
5. Written questions or comments used for communication with local driving instructors.
6. Evidence that an organized pattern of instruction was used.
7. Establish a liability protection file for each novice driver to include:
 - a. in car practices guide used for instruction.
 - b. state driving manual used for instruction.
 - c. written driving records for the time period including:
 - 1) learning activities.
 - 2) time & mileage.
 - 3) performance indications
 - d. any special notations or driving problems.
 - e. record of completed statute based requirements.
 - f. records that clearly show driver competence at highway rail grade crossings.
 - g. documentation for any task or activity which was not completed, based on listed driving practices, including:
 - 1) mirror settings or usage.
 - 2) parallel parking techniques.
 - 3) holding steering wheel.
 - 4) changing lanes.
 - 5) approach to intersections.
 - 6) other personal practices.

Liability Issues for the Certified Instructor

The certified instructor has a legal responsibility to perform tasks with a higher level of care than a mentor when working with a novice driver. The certified instructor is trained to follow national, state, and local guidelines for teaching a novice driver. The certified instructor is required to provide evidence indicating level of student knowledge at the start of training, the novice driver's progress through training, the time involved with learning, the progression of in car instruction, and the competence level at the completion of instruction. Many of the requirements for a certified instructor are based on statute, regulations, guidelines, and recognized safe practices. Since the certified instructor is performing at a higher level of care, written evidence showing when the student practiced specific tasks is required for review by state and local agencies, a defendant's lawyer, or the court system. The certified instructor is required to provide written evidence indicating the new driver was able to perform the driving tasks required by statute, regulation, guidelines, or safe practice. Written documentation will be required to support any verbal evidence of driver behavior during the training period. If written evidence is not available to support verbal testimony, the certified instructor may be held culpable for any actions taken against the trained driver in civil or tort cases.



Considerations for protecting yourself as a certified instructor working with a novice driver include:

1. Meet with parents/mentors of the students being trained.
2. Provide a guide for safe in-car practices certified by state agency or local private agency.
4. Provide copies of the state driving manual used for instruction purposes.
5. Provide a mechanism to exchange written questions or comments in communicating with student mentors.
6. Evidence indicating a certified and organized pattern of instruction was used.
7. Evidence that indicates a pre assessment of driving abilities was completed.
8. Evidence indicating approved lesson plans and routes support the organized pattern of instruction.
9. Evidence indicating the student license/permit was checked prior to driving vehicle in each lesson.
10. Evidence indicating student progress and level of competence
11. Establish an instructor liability protection file to include:
 - a. copies of teacher certification records.
 - b. copies of additional training, coursework, or credit hours.
 - c. copies of workshops or conferences attended.
 - d. copies or reference to any article contributions.
 - e. reference to the approved in car practices guide and/or textbook used for instruction.
 - f. reference to state driving manual used for instruction.
 - g. copies of any articles, research, booklets, or pamphlets that support practices that are not identified in approved text or in car practices (ABS, ISHS, fatigue, wireless phone usage, BGE mirror method, or driving system)
 - h. updated bio data or resume record
12. Establish student files for instruction to include:
 - a. written driving records for the time period including:
 - 1) preassessment of abilities
 - 2) learning activities completed
 - 3) time & mileage as required
 - 4) performance indications
 - 5) level of competence
 - 6) state or local requirements including;
 - A) license/permit number.
 - B) driving and observation time.
 - C) other requirements.
 - b. any special notations, mentor comments, or driving problems.
 - c. record of completed statute based requirements.
 - d. records that clearly show driver competence at highway rail grade crossings.
 - e. documentation for any task or activity which was not completed, based on approved driving practices, including:
 - 1) mirror settings or usage.
 - 2) parallel parking techniques.
 - 3) holding and using steering wheel.
 - 4) changing lanes.
 - 5) approach to intersections.
 - 6) other personal practices.

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Frequently Asked Questions About Driver Education

reprinted from the California Department of Education website

Editor's Note: During these times of school budget cuts, CASE has received a number of inquiries from members about the Education Code requirements for Driver Education. Following is a reprint of the updated FAQ page published at the California Department of Education website (<http://www.cde.ca.gov/pr/defaq.html>)

Frequently Asked Questions About Driver Education is updated on a regular basis. Additional information is provided in the 2001 driver education letter (*see page 5*).

Program Contact: Rob Lee at (916) 323-5799, or rlee@cde.ca.gov

Driver Education

1. What are the relevant Education Code sections pertaining to Driver Education and how may I access them?

The key Education Code sections are 51220(j), 51220.1, 51850-51854. These sections may be accessed at [California Law](http://www.leginfo.ca.gov/calaw.html) (<http://www.leginfo.ca.gov/calaw.html>)

2. Is Driver Education required to be offered by school districts?

Yes. Education Code Section 51220(j) states in part that: "The adopted course of study for grades 7-12, inclusive, shall offer courses in the following areas of study . . . (j) Automobile driver education."

3. Is Driver Education required for high school graduation?

While driver education is required to be offered, the local school district governing board may, pursuant to Education Code Section 51225.3, determine if it is a required course for graduation. A driver education elective course may be applied toward meeting the necessary graduation credits without requiring driver education for graduation.

4. May a student be charged for Driver Education classes?

At no time may a student be charged for driver education that is required to be offered by the school district regardless of when and where it is offered. Also, note that several court cases have held that high school students may not be charged for driver training in adult schools where the course is being used to satisfy Education Code Section 51120 (j).

5. When may Driver Education be scheduled?

Driver education should be offered as a 10th grade course since this usually matches most students' licensing age. Many districts are offering driver education instruction along with health education, since some course topics, such as alcohol, drugs, and driver fatigue, are discussed in both courses. Understanding this interrelationship is important since the leading health and safety issue among teens is associated with traffic collisions, the number one killer of teens in the state. The *Education Code* has several sections providing guidance.

Education Code Section 51851 states: "A course of instruction in automobile driver education shall . . . (B) Provide the oppor-

tunity for students to take driver education within the regular school day . . . Additional classes may be offered . . . to accommodate those who have failed or those who cannot enroll in the regular school day program."

Education Code Section 41912 states in part: "The express purpose of the legislature is that . . . this instruction properly belongs in the high school curriculum on a basis having comparable standards of instruction, quality, teacher-pupil ratio and class scheduling as in other courses in the regular curriculum in the regular academic program."

6. May a school district contract out for Driver's Training or Education?

School districts may not contract out for Driver's Education. For Driver's Training, Education Code Section 41913 states that . . . the governing board of any school district maintaining secondary schools according to sections 41913 to 41919, inclusive, may enter into contracts with approved driver training schools to provide to any eligible enrolled students of the district, the automobile driver training as provided pursuant to section 51852. Section 51852 pertains to behind-the-wheel driver education.

7. What are the required classroom hours for Driver's Education?

A course on instruction in automobile driver education shall be at least two and one-half semester periods and taught by a qualified instructor. A semester period is 30 hours.

8. May Driver Education be offered in Home Study, Independent Study, or Internet on-line courses?

Driver Education may only be provided by a qualified instructor.

Driver Training

1. How many hours of driver training "behind the wheel" instruction are required?

Twelve hours of instruction are required. This consists of six hours of actual driving with a qualified instructor and six hours of observation. Education Code Section 51852 provides other options of how this requirement may be met.

2. Are computer simulated driver training programs acceptable in place of "behind the wheel" instruction?

The California Department of Education neither approves nor accepts computer driver training programs or "long distance learning" programs.

(continued on page 5)

Teacher Qualifications

(continued from page 4)

1. What is required to obtain a Driver Education teaching certificate?

A credentialed public school teacher must have either a certificate to teach driver's education or in lieu of a certificate, a waiver issued by the Commission on Teacher Credentialing (CCTC). The certificate course work is 12 units. Only Fresno County Office of Education with Fresno State University and University California Riverside are currently offering the certificate program in driver education. As a consequence, teachers seeking to teach driver education may obtain a waiver on a case by case basis from CCTC. For further information, contact CCTC. Out-of-state "long distance" college or university programs for driver education certification are not acceptable. It is highly recommended that CCTC be consulted before embarking on a certification program.

2. Where do I get course completion forms?

The course completion form, DL 356, must be obtained from the Department of Motor Vehicles, Forms Management Office, by calling 916-657-7836 or 916-657-7837.

This page is maintained by the CIL Branch Web Team.

Updated July 24, 2003

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You are at: <http://www.cde.ca.gov/pr/defaq.html>

CDE Advised School Districts to Offer Driver Education

Following are excerpts from a letter dated May 7, 2001 sent by the California Department of Education to district superintendents. The full text of the letter may be viewed online at: <http://www.cde.ca.gov/pr/driveredltr.pdf>

Dear High School District Superintendents:

As you are aware, teenage drivers are greatly overrepresented in automobile accidents. Road injuries are a major contributor to disability and loss of life. According to traffic safety research, teenage overrepresentation in accidents may be attributed to two major factors which are: immaturity and inexperience. For this reason, it is vitally important that high schools continue to offer driver education as required by state law.

California Education Code Section 51220(J) states in part that the adopted course of study for grades 7 to 12 shall include, "Automobile driver education, designed to develop a knowledge of the provisions of the Vehicle Code and other laws of this state relating to the operation of motor vehicles, a proper acceptance of personal responsibility in traffic, a true appreciation of the causes, seriousness and consequences of traffic accidents, and to develop the knowledge and attitude necessary for the safe operation of motor vehicles." The purpose of this requirement is to eliminate/reduce the risk of young drivers during their early years of driving, by learning to drive safely. For additional questions and answers about driver education, please visit our department web site at <http://www.cde.ca.gov/ps/defaq.html>

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Are We Asking the Right Questions?— Part 3

by John Knippel
CASE President

Driver Education has certainly taken a change in direction in California in the past 10 or 15 years. Up until 1989 we could brag about who had the best fully integrated, daytime programs. Now we are fortunate to find a high school that still offers behind the wheel programs. The Governor has signed a bill to end the simultaneous enrollment forms. We will not even be able to work with our adult education programs or the private sector schools if we wanted to. What are we to do now?



There are a couple of solutions which will help. Actually, we should have been doing them all along. One is how we conduct our Parent Night programs. The other is how we conduct our regular driver education classes. Both our parents and our students should be far more involved in the driver training process. What we are calling hard times just might be the best, most fertile ground for maintaining and increasing the number of sections of driver education offered at our high schools.

Let's consider first how to have a really effective parent involvement program. Notice I did NOT say parent NIGHT. Our parents need to be involved EVERYDAY. The Parent Night program is just the one-time, big hit where we SHOW AND INVOLVE the parents in the driving practices we want the students to be able to do. We don't tell them. We don't make them fill out forms. We make them actively involved. As a by-product we also improve the parents' driving skills.

A few activities to include would be: 1) slides or Power Point presentations of the proper way to set the mirrors in cars made since 1990, 2) slides or Power Point presentations of how to search or scan the intersection using the 4-way check of MLCR (Mirror, Left, Center, Right) rather than LRL (Left, Right, Left again), 3) How to teach a novice the reference points for the left, right, front, rear of the car (Mottola's Zone Control), 4) How to shift to Neutral quickly without getting Reverse or Park in error (remember parents don't have the luxury of a dual control brake on their car at home), 5) body language cues given by novice drivers BEFORE they make a mistake, and 6) HOMEWORK FOR THE PARENTS.

Homework for the parents are lessons where the parents and the students get in the car together to review dashboard symbols, learn reference points, practice the timing for scanning the intersection, practice the use of mirrors for timing of lane changes, finding the locations of speed limit signs, practice using the shared turn lanes, practice reading freeway signs from bottom to top and right to left, learning how to enter the freeway in the Hole, and how to find addresses in the downtown city areas.

These parent homework lessons are where the parent drives and the novice observes and asks questions about how the parent knew it was safe to perform a particular maneuver. The parent can ask the novice if the novice could anticipate within a few seconds of accuracy when the traffic light would change from green to yellow. These are powerful lessons when they are tied to your classroom instruction.

Parents love it. They have so much to offer and we seldom give them the real opportunity to do so. This also makes certain that the lessons we give the novice in class are truly understood and become a part of the novice's driving habits. This can also be a springboard to having a guest speaker come and demonstrate all the seat belt, shoulder belt, booster seat, car seat, and air bag combinations. When done right, Parent Night will last about one and one-half hours and 60% to 75% of the parents will show up. This is way better than Back to School Night.

Student involvement in the classroom lessons is another key. Students should be teaching the most important concepts and procedures in your classroom. Students should be making the bulletin boards, the charts, the Power Point presentations, taking the digital photos of the local streets, taping the lane lines on the classroom floor and doing the walk-through demonstrations of the various lane makings, being the jury to conduct sentencing of the driver guilty of DUI. We all learn best when we must teach others. Have your students teach. You facilitate. You assess. You assist. You will marvel at what you see.

I divide my students into eight teams of four or five members. Each team must put up two bulletin boards, teach two lessons to the class, teach each other within the team twice, be part of two Socratic seminars, be on one jury, simulate to 12 simulation lessons, be involved in 10 Parent/Student Homework assignments, take a practice permit test 6 times, and participate in a knowledge bowl contest at the end of the semester. This is doable. This is exciting. This is what President Bush wants "highly qualified teachers" to do. Let's do it. Let's show everyone in this state what good teaching is all about.

Visit the CASE Website:
www.casewebsite.org



Reducing Liability in Driver Education

(continued from page 3)

Twenty General Guidelines for Conducting In Car Practice

1. Select and pre drive areas appropriate to the individual lesson objectives and new driver's ability.
2. Check to be sure that driver, mentor, and instructor have appropriate licenses, permits, and insurance cards prior to moving the vehicle.
3. At the beginning of each lesson, make sure the new driver understands the objectives of the lesson and review the last lesson.
4. Establish a procedure or command that allows the driver to give control of vehicle to the mentor or instructor before moving the vehicle.
5. Be calm and patient, but alert at all times.
6. Sit so your left hand can be placed on the steering wheel to help guide the new driver if necessary.
7. Read the traffic environment ahead, to the sides and behind while observing the new driver's behavior.
8. When giving directions, first direct where, then state the action to take [i.e. "At the second intersection, turn left"].
9. Give directions to turn at least one block before the turn, and always check mirrors before giving directions.
10. Avoid the use of terms with possible double meanings [i.e. Instead of "right" in response to a question, say, "That's correct".
11. Demonstrate what and how to do something to save time.
12. For each new maneuver, guide the new driver through two or three practice trials, then allow practice without specific assistance or direction.
13. If a mistake is made, repeat the maneuver while talking the new driver, step by step, through the process.
14. If a mistake can be allowed without undue risk, permit the new driver to learn from a mistake.
15. If a lengthy discussion or explanation is needed, move to a safe place to stop and park the vehicle.
16. Never allow a new driver to drive into a dangerous situation. Take control or give specific direction.
17. Involve the new driver in the evaluation of his/her performance.
18. Remember, learning demands patience, understanding and mutual respect.
19. Follow a plan for in-car instruction based on approved safe practices.
20. Document your activities and learning progress to aid in future instruction and any potential litigation.

Driver Education Teacher Credentialing Classes

Classes are being offered through the Fresno County Office of Education/California State University, Fresno/University of California, Riverside Extension from February 2004 through August 2004.

- Northern California classes will be held at Evergreen High School in San Jose. Southern California courses will be held at the UC Riverside Extension Center.
- The Designated Subjects, Special Subjects, Teacher Credentials Advisory Committee must approve all teacher candidates.
- The program is offered according to a "cluster" enrollment. The next cluster of classes meets February 2004 through August 2004, and the courses must be taken in sequence.
- All teacher candidates must attend the first weekend of each course in person to be eligible to complete the course. Fees per unit will be \$100 for every student.
- The program is now a combination of classroom and computers, on-line and teleconferencing sessions.

Application Procedure: Request an application packet from either: Northern California, Fresno County Office of Education, Credentials by calling Jackie Gunderson (559) 265-3031 or Diane Ladd (559) 497-3796; Southern California, University of California, Riverside Extension by calling Michelle Sang (909) 787-4361 x11661 or Patricia Arebalo (909) 787-4361 x116654

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Please help us increase our membership!

Our Membership Committee is requesting that each member do his/her part to bring in new members. Please check with the driver education professionals at your school or district to see if they are members of CASE. If not, provide them with the membership application below and discuss the importance of belonging to their professional association.



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