



Hello Advisory Board Members,

My name is Marco Benavides. I have been in driver education for close to 30 years; as an instructor, driving safety school owner and a Program Analyst for the State of Texas Driver Training Division (TEA). I received my first driver education endorsement in July of 1992.

My duties as a Program Analyst with the Driver Training Division, coupled with my years of experience as a school owner & instructor, have afforded me unique and expansive experience of our industry.

The preceding focuses specifically on the proposed changes to Parent Taught Driver Education (PTDE) Courses, as outlined in the Sunset Advisory Commission's Staff Report (June 2020).

**Please Note: For your convenience and reference, text in *RED* denotes language taken directly from the Sunset Advisory Commission Staff Report (June 2020).**

My sincere apologies, I realize that you already have extensive knowledge of driver education rules, guidelines and procedures, but in order to convey my thoughts, I am including information that is already obvious to you;

### **PTDE COURSES:**

Persons wanting to teach a PTDE course, must first meet specific DPS requirements to be deemed a **"qualified"** instructor. The "instructor" must then comply with explicit, legal requirements and adhere to specific instructional guidelines and administrative obligations, including, but not limited to topics of discussion and mandatory timelines.

Additionally, by signing specific forms and documents, such as a DE964 Certificate of Completion, the "instructor" legally "verifies" that their student's course work has been successfully completed, and also legally "validates" their student's identify.

Point being that, in a PTDE course, the "instructor" **legally assumes the responsibility for verifying their student's course progress and validating their student's identity.**

**The Sunset Advisory Commission Staff Report (June 2020; page 55), *indicates that "TDLR's Driver Training Programs Need Fundamental Reform to Eliminate Unnecessary, Burdensome, and Unfair Regulation"*** Yet, what's being proposed is literally **MORE regulation**, which is not only contrary to the "Commission's" own acknowledgement of ***"Unnecessary, Burdensome and Excessive Regulation"*** in driver education programs & for TDLR, but will certainly result in greater Administrative Burdens for TDLR, as the review process for PTDE courses will be more explicit and time consuming.



The “Commission’s” report, calls for “**standardized technical measures**” that will require PTDE course providers to “**validate**” a student’s identity and “**verify**” their course work; which is not only contradictory to the fundamental, intended function of Parent Taught Driver Education courses, but ***forcibly shifts certain legal responsibilities and liabilities from the “Parent / Instructor” to the PTDE course provider.***

Please note that, as it stands, “PTDE Course Providers” **cannot legally sign any documents** verifying a PTDE student’s course work or validating a student’s identity; as that responsibility is legally assumed by a student’s “parent / instructor.” This proposed change will result in course providers shouldering the burden and the liability of “verifying” & “validating” a student’s identity and their course progress...when legally, the student’s “Parent / Instructor” complies with those mandates when they sign a DE964 certificate of completion.

***Per the Staff Report: Page 58 – Second Bullet “The state’s role is to ensure courses meet minimum curriculum standards, regardless of the delivery method. TDLR’s basic technical standards for online courses, including measures to validate students’ identity and active participation in the course, should be the only unique requirements for online providers.<sup>17</sup>”***

I believe there to be a significant, but unintentional, disconnect between how some perceive PTDE courses should operate and how they are legally required to operate. Although in theory, it may seem that statutory requirements and “**basic technical standards**” for “32 Hour AMI” and “PTDE” courses are converse, they are not. The reality is that AMI & PTDE courses are fundamentally and legally different in function.

1. AMI courses, by rule, MUST be “Instructor” taught by a “Licensed Driver Education Instructor of Record” designated by the AMI.
2. A Parent Taught Driver Education (PTDE) course is taught by a parent, who legally assumes the role of “Instructor,” only after registering with TDLR and meeting specific DPS requirements to “qualify” to teach their student.
1. AMI courses may only be offered in an “online” format because they require a mechanism to validate a student’s identity and track a student’s course work.
2. PTDE courses may be offered in multiple formats; Hard Copy, Disk, PDF or Interactive because the parent legally assumes the role of “Instructor” and ultimately validates their student’s identity and tracks their course work.



1. In an AMI course, the DE964 certificate, required by DPS as part of the permitting and licensing process, may ONLY be signed by the AMI's designated "Licensed Driver Education Instructor of Record." By signing a DE964 certificate the AMI's "Licensed Instructor" legally validates a student's identity and verifies their successful completion of course requirements and benchmarks.
2. In a PTDE course a parent, who has assumed the role of "Instructor," is the only one who is legally allowed to sign the DE964 certificate, required by DPS as part of the permitting and licensing process. By signing their student's DE964 certificate, the "parent/instructor" is legally validating their student's identity and verifying the successful completion of course requirements and benchmarks.

Additionally, specific language written on the DE964 certificate (***"I hereby certify..."***) clearly indicates that the person who **SIGNS** the DE964 certificate as the "PTDE Instructor," is legally validating their student's identity and verifying their student's course work.

Mandating PTDE courses, that offer an "interactive/online" version of their course, to include ***"...measures to validate students' identity and active participation in the course,"*** is like asking a CPA to sign Tax documents prepared by someone other than the actual CPA...

PTDE providers CANNOT legally sign any of the documents required by DPS for the permitting and licensing process because the "Parent" assumes the role of "Instructor," virtual or otherwise, hence the "Parent Taught" in the course identifier.

Even if a validation system in place, again, PTDE course providers cannot sign documents (DE964 Certificate, Transfer Forms, etc...) validating the student's identity and course participation...the parent/instructor signs the documents, thus invalidating PTDE course provider's validation process.

***Page 62 - 1<sup>st</sup> bullet: "Unclear statutory authority over Parent-Taught Driver Education results in unfair advantages for some businesses and administrative burdens for TDLR."***

***"Statute is unclear as to who develops parent-taught curriculum, whether they must be licensed, or any requirements."***

- ***"Unequal regulation of providers."***  
The PTDE Program does not meet a fundamental expectation of any government regulation: clear, understandable standards guiding consistent administration and *fair treatment of the regulated population*. This is misleading because every PTDE course MUST meet TDLR guidelines and standards.



While statute clearly authorizes an eligible parent or designee to teach driver education and requires TDLR to approve the curriculum, it provides no clear guidance about who develops the curriculum, whether that individual or business must be licensed, or any license requirements. Not sure how this an issue if the course/curriculum includes the required topics, meets standards and receives TDLR approval.

***In practice, while a few PTDE providers offer traditional materials, all offer online courses*** and function much like driver education schools that offer online courses. This is INCORRECT, not all courses have an ONLINE component. PT101 is the “original” PTDE course and it does NOT offer an “online” platform.

***“Unequal regulation of providers.”*** There seems to be a notion that regulation of PTDE courses is “Unfair” and should meet ***“...basic technical standards for online courses, including measures to validate students’ identity and active participation in the course, should be the only unique requirements for online providers.”***<sup>17</sup>

As I’ve previously stated, AMI & PTDE courses are fundamentally different in function and cannot legally follow the same technical guidelines because in a PTDE course, the parent legally assumes the role of “Instructor.”

***“Moreover, while online PTDE courses have the same curriculum standards as any teen driver education course, statute does not clearly subject PTDE businesses to certain requirements of other driver education licensees.”***

## **As previously noted;**

1. AMI courses, by rule, MUST be “Instructor” taught by a “Licensed Driver Education Instructor of Record” designated by the AMI.
2. A Parent Taught Driver Education (PTDE) course is taught by a parent, who legally assumes the role of “Instructor,” only after registering with TDLR and meeting specific DPS requirements to “qualify” to teach their student.
  1. AMI courses may only be offered in an “online” format because they require a mechanism to validate a student’s identity and track a student’s course work.
  2. PTDE courses may be offered in multiple formats; Hard Copy, Disk, PDF or Interactive because the parent legally assumes the role of “Instructor” and ultimately validates their student’s identity and tracks their course work.



1. In an AMI course, the DE964 certificate, required by DPS as part of the permitting and licensing process, may ONLY be signed by the AMI's designated "Licensed Driver Education Instructor of Record." By signing a DE964 certificate the AMI's "Licensed Instructor" legally validates a student's identity and verifies their successful completion of course requirements and benchmarks.
2. In a PTDE course a parent, who has assumed the role of "Instructor," is the only one who is legally allowed to sign the DE964 certificate, required by DPS as part of the permitting and licensing process. By signing their student's DE964 certificate, the "parent/instructor" is legally validating their student's identity and verifying the successful completion of course requirements and benchmarks.

***These businesses do not have to provide students with virtual access to an instructor to answer questions or have measures to validate students' identity and active participation in the course.*** Parent Taught Courses are simply providing an approved curriculum. PTDE providers CANNOT be accountable for validating a student's "identity" or "verifying" course work has been successfully completed, because the parent assumes the role of "instructor;" virtual or otherwise.

Additionally, providing students ***"...with virtual access to an instructor to answer questions.."*** is a huge and expensive ask. Again, "Parents" take on the role and legal responsibility of "Instructor." PTDE courses are designed to be "Parent" led. If a PTDE provider opts to offer a "24 hour Help Desk," then that is their prerogative...it's like offering "Audio Read-Along," or "Practice" tests; These are additional "services or upgrades" that not should not be "mandated" for "compliance" or "approval," based on the legal "Parental / Instructor" responsibilities of PTDE courses.

**Page 62, 2<sup>nd</sup> Bullet:**

- ***Manipulative business practice.*** In the absence of fees to review PTDE courses, some businesses have tried to manipulate TDLR's website for their own advertising gain, undermining transparency for consumers..." This statement is misleading, reckless and assumptive. Moreover, there is no statutory guideline prohibiting course applicants from submitting multiple programs. ***When the program first transferred to TDLR, the agency listed driver education businesses and all their courses on its website. The number of PTDE courses the agency had to review swelled as businesses aimed to improve their search results on the website by creating "clone courses," or near-exact copies of an original course, renamed and falsely marketed as distinct courses with unique content.*** This is inaccurate, misleading and a dangerously assumptive, because all courses, "clones" or otherwise, must be submitted, reviewed individually, and meet TDLR's PTDE course requirements to be deemed "approved."



The majority of all driver education courses are similar in nature anyway, because Statutory Guidelines (TDLR and DPS & TEA before them) dictate the required course content. So I'm not sure how a course being a "Clone" is an issue or relevant; since each course, "clone" or otherwise, is individually reviewed TDLR. There are only so many ways to say that a "STOP sign is Red and has 8 sides."

TDLR estimates staff spent about 3,000 hours reviewing new courses, and when businesses then complained to TDLR about their placement on the website, staff spent more than 200 hours adjusting the search results in an attempt to fairly represent all businesses. The agency recently changed its policy, now listing only one course per provider, but ***ultimately TDLR's website should have no role as a marketing tool for the businesses it regulates.*** This directory is an invaluable support tool provided by TDLR for parents to validate the legitimacy of a parent taught driver education program...this resource should NOT be looked at as a "Marketing Tool" but more as a means to ensure that the General Public has access to ***ONLY "TDLR-approved courses."***

Some businesses (non-profits included) have expansive marketing campaigns, and advertise driver education programs that are NOT sanctioned by TDLR....meaning that a parent, who conducts an online search for Driver Education Courses, is unlikely to know the difference between an "approved" parent taught driver education program and one that is NOT approved, so again, TDLR is providing an invaluable service to Texans interested in participating in an "approved" parent taught driver education course.

Note that TDLR provides a list of approved 3<sup>rd</sup> party testers and other approved driver education programs on their website...Moreover, the work has already been done.

Also note that PTDE student's & parents are the **ONLY ones required to pay a \$20 "registration" fee to TDLR**...in part to ensure that they have access to the TDLR site and a list of "TDLR-approved" PTDE courses...This is a great tool and an invaluable resource for Texans looking to enroll in a TDLR "approved" PTDE course.

## **Page 65 – Driver Education and Parent-Taught Driver Education: Change in Statute**

### **4.7 Modernize the licensing of driver education businesses.**

This recommendation would replace TDLR's existing driver education school license and parent-taught course provider registration with three types of driver education provider licenses:

- **Online provider, or a business offering driver education courses remotely through the internet rather than at an on-site location where the student is physically present**



This recommendation would eliminate unfair treatment of licensees and create a consistent framework to license driver education businesses based on their course delivery methods, and would work together with Recommendation 4.12 to streamline the entire licensing and course approval process.

***The recommendation would remove from statute the requirement that courses be designated as “parent- taught driver education,” clarifying parents or designees wishing to teach a student could choose any course from an approved online or correspondence provider, expanding consumers’ options.***

Categorizing AMI & PTDE courses as “Online” courses, without clear distinction, will not only create less transparency, but also massive confusion for the general public who is already looking for guidance. From personal experience, I can attest to many phone and email inquiries from parents who have enrolled their teen in an AMI, “thinking it was a PTDE course that included the Behind-the-Wheel training.” Most folks wanting to enroll their kids in an “online” driver education course don’t know the difference between an “instructor” led course (AMI) course and a “parent” led course (PTDE).

Parents who choose to enroll their student in a PTDE course, do so because they intend to teach their student both Phase 1 (classroom) & Phase II (In-Car) instruction in a “home school” setting...Please note that AMI courses CANNOT offer Phase II (In-Car) instruction because students that are enrolled in an AMI course MUST “transfer” to an approved PTDE course or a licensed Commercial School to complete Phase II.

If AMI & PTDE courses are categorized as “online,” with no clear distinction between the two, you’ll have many Texans who will inadvertently and unknowingly register for the wrong course.

Also note that in a PTDE course, the parent legally assumes the role of “Instructor.” Requiring all PTDE courses to staff a “Licensed Driver Education Instructor” which will result in increased course fees and potential closures for courses who cannot afford to staff a Licensed Instructor...in turn decreasing options and access for those Texans wanting to enroll in a PTDE course.

**Online driver education is a growing market and an increasingly important tool in modern education, especially evident during the COVID-19 pandemic. By explicitly recognizing providers offering only online courses, this recommendation would subject all online providers to equivalent requirements.** Once again, PTDE courses are delivered and conducted by “parents” who must first register with TDLR and meet specific DPS requirements. Parents who choose to enroll their student in a PTDE course, do so because they intend to teach their student both Phase 1 (classroom) & Phase II (In-Car) instruction in a “home school” setting.





Please note that AMI courses CANNOT offer Phase II (In-Car) instruction because students that are enrolled in an AMI course MUST “transfer” to an approved PTDE course or a licensed Commercial School to complete Phase II.

All online providers would be required to provide access to a licensed instructor for technical assistance and content questions, offering an additional benefit to parents who choose this option All online providers would also be subject to technical standards to validate students’ identity and active participation. In a “PTDE” course a parent assumes the role of “Instructor.” PTDE courses are simply providing approved content. If a PTDE provider opts to offer “24 Hour Help Desk,” then that is their prerogative...this a “service” like offering “audio read along,” or “Practice Tests,” but should in no way be a mandate for PTDE courses.

PTDE courses are an invaluable and affordable option for many Texans. AND TDLR , without a doubt, helps mitigate concern and facilitate “approved courses” for many folks who wouldn’t otherwise have access to driver education; either due to proximity or availability.

**These proposed changes will be a huge financial burden on smaller, family owned businesses like mine. The end result will be more regulation, fewer options and higher course fees for Texas families wanting to participate in a Parent Taught Driver Education program.**

Also consider that Administrative Burdens for TDLR, will increase greatly because the review process will be more tedious and time consuming. Which, again, is contrary to the Commission’s own acknowledgement of **“Unnecessary, Burdensome and Excessive Regulation”** in driver education programs and for TDLR. The review process will no longer be limited to course content alone, but will also require verification of technical standards and validation protocols, resulting in a more laborious review process for TDLR staff.

Categorizing AMI & PTDE courses as “Online” courses, without clear distinction, will not only create less transparency, but also massive confusion for the general public who is already looking for guidance. If the goal is to decrease Administrative Burdens on TDLR, instead of exposing PT Course providers with unnecessary risk and disenfranchising 100’s of thousands of Texans that depend on PTDE courses, then the Sunset Advisory Commission should consider decreasing the amount or required classroom hours and increasing In-Car Instruction hours.

Kind Regards,

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