From: <u>Elizabeth Jones</u>
To: <u>Trisha Linebarger</u>

Subject: FW: Inquiry on DES Search Tool on PTDE Course Classification

Date: Wednesday, June 17, 2020 11:12:57 AM

From:

Sent: Wednesday, June 17, 2020 10:50:19 AM (UTC-06:00) Central Time (US & Canada)

To: Sunset Advisory Commission

Subject: Fwd: Inquiry on DES Search Tool on PTDE Course Classification

ISSUE 4

TDLR: Driver Training Programs Need Fundamental Reform to Eliminate Unnecessary, burdensome, and the Unfair Applicable of Regulations between Parent Taught Driver Educations Schools and Traditionally Licensed Driver Education Schools.

Sam Shotts

----Original Message-----

To: Sunset@sunset.texas.gov <Sunset@sunset.texas.gov>

Sent: Wed, Jun 17, 2020 10:30 am

Subject: Re: Inquiry on DES Search Tool on PTDE Course Classification

----Original Message----

To: Mark.Gladney@tdlr.texas.gov < Mark.Gladney@tdlr.texas.gov >

Cc: Shanisty.Villanueva@tdlr.texas.gov < Shanisty.Villanueva@tdlr.texas.gov >;

<u>Derek.Burkhalter@tdlr.texas.gov</u> < <u>Derek.Burkhalter@tdlr.texas.gov</u>>; <u>Ray.Pizarro@tdlr.texas.gov</u> < <u>Ray.Pizarro@tdlr.texas.gov</u>>; <u>Angela.Schmidt@tdlr.texas.gov</u> < <u>Angela.Schmidt@tdlr.texas.gov</u>>

Sent: Wed, Jun 17, 2020 10:09 am

Subject: Re: [External Email] Re: Inquiry on DES Search Tool on PTDE Course Classification

Mark,

Could you please provide me with a more detailed and certainly more compelling legal justification, in addition to any relevant regulatory explanation, on how it is possible that the currently long established and first approved online TDLR Parent Taught Driver Education Course 101, has been inexplicably and arbitrarily rendered legally null and void, regarding the approval for five traditionally licensed driver education schools to offer this online course in the public domain, with absolutely no mention or connection in challenging the enabling statutory authority or regulatory legal basis or citation supporting this departmental suddenly determined misclassification phenomenon. Trust me, I fully understand and appreciate the special, yet unlawful and unprofessional reasons and motivations of why the department is making this internal review policy misclassification argument at this time. Although, the departments arguments are contrary to all aspects to the rule of law, while ignoring at the same time, the original 1997 legislative intent and establishment of the current State of Texas property owned and approved by online copyright and trademark protected elements of the TDLR Parent Taught Driver Education Course 101, for reasons yet to be properly identified at this time as legally sound and prudent. Also, the department has made no attempt in preventing of stopping the Region 13 Education Service Center from offering the identically approved online TDLR Parent Taught Driver Education Course 101 to the public at this time.

This is an especially relevant argument, when comparing whether or not the submission of other unrelated, irrelevant or unnecessary elements, such as the addition of login in codes, password pages and the inclusions of security software based on the recently related parental taught course submissions, which may have exceeded certain statutory and regulatory provision of the current laws and regulations, and if that's the case, then how do the these newly submitted elements, automatically become an

enforcement priority for the establishment of misclassification discussions, based on the previously referenced internal course review policy, regarding the enforcement of nonexistent laws and regulations, without the corresponding concurrence and approval of the of the Texas legislature?

It's essential at this time, for the department to please provide me with a credible legal justification for supporting the recent internal course review policy discussion decision. At this point, it would appear the department has apparently based its current unlawful discussion decision, solely on the obvious and pointlessly contrived internal course review policy discussion, and the unsubstantiated legal decision resulting from this discussion in making the determination that the current online TDLR PTDE Course 101, is somehow no longer considered to be an eligible online course? Simply stated, how is that even possible, legally or otherwise? In all due respect, would the department please reconsider its recent decision regarding this matter.

Best regards,

Sam

----Original Message-----

From: Mark Gladney < Mark.Gladney@tdlr.texas.gov >

To:

Cc: Shanisty Villanueva < Shanisty. Villanueva@tdlr.texas.gov>; Derek Burkhalter

<<u>Derek.Burkhalter@tdlr.texas.gov</u>>; Ray Pizarro <<u>Ray.Pizarro@tdlr.texas.gov</u>>; Angela Schmidt

<<u>Angela.Schmidt@tdlr.texas.gov</u>>

Sent: Tue, Jun 16, 2020 4:03 pm

Subject: RE: [External Email] Re: Inquiry on DES Search Tool on PTDE Course Classification

In response to this email, upon an internal course review policy discussion with staff that compared elements of other online DE course offerings, PTDE 101 appeared to be misclassified on the search tool as an "online course". There was no specific rule that pertained to the PTDE course classification on the search tool. Staff, as a policy determination, viewed a PTDE course as an "online course" for classification on the search tool as a course that has such elements that include a login and password page, security software, such as content and personal validation tools, etc.

In examining the issues you raised regarding PTDE 101, staff determined that it was not an "online course" with the policy reconsideration, and will review other courses that are similar in their offerings as PTDE 101 and reclassify accordingly. Thus, PTDE 101, and course of that same or similar makeup, will eventually be found in the search tool under "Full Course-Printed Material/CD-ROM/DVD" to be equitable.

Thank you for your inquiry and I hope this clarifies matters.

Sent: Tuesday, June 16, 2020 11:07 AM

To: Mark Gladney < Mark.Gladney@tdlr.texas.gov>

Cc: Shanisty Villanueva <Shanisty.Villanueva@tdlr.texas.gov>; Derek Burkhalter

< <u>Derek.Burkhalter@tdlr.texas.gov</u>>; Ray Pizarro < <u>Ray.Pizarro@tdlr.texas.gov</u>>; Angela Schmidt

< Angela. Schmidt@tdlr.texas.gov >

Subject: [External Email] Re: Inquiry on DES Search Tool on PTDE Course Classification

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Mark,

I wish to thank the Department for finally getting back to me with a response. Although, I'm puzzled by what contemplated rules you're actually making reference about. Specifically, exactly what contemplated rules are you talking about? Also, based on the Departments newly discovered contemplation of some sort of rules, are you now saying that the current Region 13 Education Service Center PTDE 101, offered online course, will no longer be contemplated as an online course. Also, if the Department doesn't consider Region 13 Education Service Center, PTDE 101 as an online, then what course classification has the Department recently determined the course to be.

Please provide me with a response at your earliest possible convenience.

Best regards,

Sam

----Original Message-----

From: Mark Gladney < Mark.Gladney@tdlr.texas.gov >

To:

Cc: Shanisty Villanueva < Shanisty. Villanueva@tdlr.texas.gov>; Derek Burkhalter

<<u>Derek.Burkhalter@tdlr.texas.qov</u>>; Ray Pizarro <<u>Ray.Pizarro@tdlr.texas.qov</u>>; Angela Schmidt

<a href="mailto:Mailto: Sent: Tue, Jun 16, 2020 9:50 am

Subject: Inquiry on DES Search Tool on PTDE Course Classification

In response to your emails on or about 5.28.2020 inquiring on the DES Search Tool classification of PTDE 101, the department has reviewed the situation and determined that PTDE 101 is not an "online course" as contemplated by our rules and will no longer be classified as such on the department's search tool. The request for the change to the search tool has been submitted internally and the reclassification to the engine should take effect very shortly. Thank you for your interest and cooperation in this matter.

B. Mark Gladney
Assistant General Counsel
Texas Department of Licensing & Regulation
920 Colorado Street, 4th Floor
Austin, Texas 78701
(512) 475-2108
(512) 475-3032 FAX
mark.gladney@tdlr.texas.gov

From: <u>Elizabeth Jones</u>
To: <u>Trisha Linebarger</u>

Subject: FW: TDLR Approved Online PTDE Courses: Vista Ridge Driving School (C0378 & PT-188), Community Driving

School (C2827 & PT-189), Southlake Driving School (C3032 & PT-190), HEB Driving School (C3163 & PT-191)

and Denton Driving School (C3086 & PT-192).

Date: Wednesday, June 17, 2020 11:12:39 AM

From:

Sent: Wednesday, June 17, 2020 10:43:55 AM (UTC-06:00) Central Time (US & Canada)

To: Sunset Advisory Commission

Subject: Fwd: TDLR Approved Online PTDE Courses: Vista Ridge Driving School (C0378 & PT-188), Community Driving School (C2827 & PT-189), Southlake Driving School (C3032 & PT-190), HEB Driving School (C3163 & PT-191) and Denton Driving School (C3086 & PT-192).

ISSUE 4:

TDLR: Driver Training Programs Need Fundamental Reform to Eliminate Unnecessary, Burdensome, and Unfair Regulations.

Samuel E. Shotts

----Original Message-----

To: Sunset@sunset.texas.gov <Sunset@sunset.texas.gov>

Sent: Wed. Jun 17, 2020 10:29 am

Subject: TDLR Approved Online PTDE Courses: Vista Ridge Driving School (C0378 & PT-188), Community Driving School (C2827 & PT-189), Southlake Driving School (C3032 & PT-190), HEB Driving School (C3163 & PT-191) and Denton Driving School (C3086 & PT-192).

----Original Message-----

To: Mark.Gladney@tdlr.texas.gov < Mark.Gladney@tdlr.texas.gov >; Shanisty.Villanueva@tdlr.texas.gov < Shanisty.Villanueva@tdlr.texas.gov >; Derek.Burkhalter@tdlr.texas.gov

<Derek.Burkhalter@tdlr.texas.gov>; Ray.Pizzaro@tdlr.texas.gov <Ray.Pizarro@tdlr.texas.gov>;

Angela.Schmidt@tdlr.texas.gov < Angela.Schmidt@tdlr.texas.gov >

Cc: Brad.Bowman@tdlr.texas.gov < Brad.Bowman@tdlr.texas.gov >

Sent: Tue, Jun 16, 2020 5:33 pm

Subject: TDLR Approved Online PTDE Courses: Vista Ridge Driving School (C0378 & PT-188), Community Driving School (C2827 & PT-189), Southlake Driving School (C3032 & PT-190), HEB Driving School (C3163 & PT-191) and Denton Driving School (C3086 & PT-192).

Mark

Could you please provide me with a more detailed explanation, in order to help clarify the unresolved questions, which I previously submitted to Ms. Shanisty Villanueva, based specifically on the corresponding narrative emailed to Ms. Villanueva on May 28, 2020. Your earlier emailed from today, failed to address the questions and concerns expressed in my May 28, 2020 email to Ms. Villanueva?

Best regards,

Sam

----Original Message-----

To: Shanisty. Villanueva@tdlr.texas.gov < Shanisty. Villanueva@tdlr.texas.gov >

Sent: Wed, Jun 10, 2020 10:03 pm

Subject: Fwd: TDLR Approved Online PTDE Courses: Vista Ridge Driving School (C0378 & PT-188),

Community Driving School (C2827 & PT-189), Southlake Driving School (C3032 & PT-190), HEB Driving School (C3163 & PT-191) and Denton Driving School (C3086 & PT-192).

Shanisty,

Your email of May 29, 2020, stated that you would be getting back with me regarding my previous questions about the legally official TDLR definition of the course delivery methods. As you know, all of our previously submitted PTDE digitized courses are only provided online. I was expecting your explanation last week. When do you anticipate providing me with your promised explanation concerning the official TDLR/DES website definition of the, "TYPE OF COURSE: FULL-COURSE ONLINE," designated category, and the reason why the PTDE courses for Community Driving School, Southlake Driving School, HEB Driving School, and Denton Driving School, hasn't yet been added to this designated full-course online category. As you know, Vista Ridge Driving School PTDE course has already been correctly included in the category.

Best regards,

Sam

----Original Message-----

From: Shanisty Villanueva < Shanisty. Villanueva@tdlr.texas.gov >

To:

Sent: Fri, May 29, 2020 11:46 am

Subject: RE: [External Email] Fwd: TDLR Approved Online PTDE Courses: Vista Ridge Driving School (C0378 & PT-188), Community Driving School (C2827 & PT-189), Southlake Driving School (C3032 & PT-189)

HEB Driving School (C3163 & PT-191) and Denton Driving School (C3086 & PT-192).

Hi Sam,

Please go ahead and send me the correct website address for Vista Ridge. I will get back to you regarding the course delivery method next week.

Kind Regards,

Shanisty Villanueva
Team Lead
Education & Examination Division
Texas Department of Licensing and Regulation
www.tdlr.texas.gov

From:

Sent: Friday, May 29, 2020 11:44 AM

To: Shanisty Villanueva < Shanisty. Villanueva@tdlr.texas.gov>

Subject: [External Email] Fwd: TDLR Approved Online PTDE Courses: Vista Ridge Driving School (C0378 & PT-188), Community Driving School (C2827 & PT-189), Southlake Driving School (C3032 & PT-190), HEB Driving School (C3163 & PT-191) and Denton Driving School (C3086 & PT-192).

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Shanisty,

Based on my earlier explanations regarding the originations and corresponding TDLR/DES approvals of our current online PTDE courses, when can I expect our previously requested updates and corrections to be completed? Also, please make the necessary corrections to the VRDS website address.

Best regards,

Sam

----Original Message-----

To: Shanisty. Villanueva@tdlr.texas.gov < Shanisty. Villanueva@tdlr.texas.gov >

Sent: Thu, May 28, 2020 12:48 pm

Subject: TDLR Approved Online PTDE Courses: Vista Ridge Driving School (C0378 & PT-188), Community Driving School (C2827 & PT-189), Southlake Driving School (C3032 & PT-190), HEB Driving School (C3163 & PT-191) and Denton Driving School (C3086 & PT-192)

Shanisty,

The complete TDLR Model Parent Taught Driver Education Course 101, including all of the previously approved classroom and in-car online instructional curriculum modules, have been offered to parents since 1997 in a downloadable PDF format? The complete online course is downloaded at one time, after the parents register for the course online. Also, it would appear that Vista Ridge Driving School (C0378) website @ www.vistaridgedriving.com, has been correctly posted to the TDLR/DES website properly in "TYPE OF COURSE: FULL - COURSE ONLINE" category. Although, for some inexplicable reason, the Department mistakenly posted the VRDS website address incorrectly as www.erikaginerlymusic.com. With that said, would you please make the necessary arrangements in order to post the correct VRDS website address at your earliest possible convenience. Additionally, would please take the necessary steps in posting the remaining four driving schools course name clarification requests, based on my May 24, 2020 email, to the TDLR/DES website properly in the "TYPE OF COURSE: FULL - COURSE ONLINE" category. If you have any further questions, please let me know.

Best regards,

Sam

----Original Message-----

From: Shanisty Villanueva < Shanisty. Villanueva@tdlr.texas.gov >

To:

Sent: Thu, May 28, 2020 11:37 am

Subject: RE: [External Email] TDLR Approved Online PTDE Courses: Vista Ridge Driving School (C0378 & PT-188), Community Driving School (C2827 & PT-189), Southlake Driving School (C3032 & PT-190), HEB Driving School (C3163 & PT-191) and Denton Driving School (C3086 & PT-192)

Sam.

How is this course being offered to parents. Do they log in and access the course that way or are you emailing them a pdf file to read?

Kind Regards,

Shanisty Villanueva Team Lead Education & Examination Division
Texas Department of Licensing and Regulation
www.tdlr.texas.gov

Sent: Wednesday, May 27, 2020 5:03 PM

To: Shanisty Villanueva <Shanisty.Villanueva@tdlr.texas.gov>

Subject: Re: [External Email] TDLR Approved Online PTDE Courses: Vista Ridge Driving School (C0378 & PT-188), Community Driving School (C2827 & PT-189), Southlake Driving School (C3032 & PT-190), HEB Driving School (C3163 & PT-191) and Denton Driving School (C3086 & PT-192).

Shanisty,

First, as you know, I've never previously submitted any printed instructional documentation to be distributed as printed material, CD-ROM, or DVD's for review purposes. Second, our previously approved PTDE online courses, are only offered online, and represents the *identical* TDLR Model Parent Taught Driver Education Program Course 101, currently provided online by Region 13 Education Service Center. Please note, that during the initial application process, I only submitted the current digitized version of the online TDLR Model PTDE course 101, specifically approved and provided to me by TDLR, for sole purpose of submitting this online course for review and approval. As you know, I never submitted any corresponding or associated printed material, actual CD-ROM, or DVD for review and approval. Although, and perhaps more to the point, I never submitted any paperback material whatsoever during the initial review process.

Once again, I've already provided you with to entire online digitized portion for each driving school PTDE Course. If you wish me to submit for a second time, all of digitized PTDE online material previously submitted for each of the above listed driving schools, then please let me know.

Best regards,

Sam

-----Original Message-----

From: Shanisty Villanueva < Shanisty. Villanueva@tdlr.texas.gov>

To: Cc:

Sent: Wed, May 27, 2020 2:12 pm

Subject: RE: [External Email] TDLR Approved Online PTDE Courses: Vista Ridge Driving School (C0378 & PT-188), Community Driving School (C2827 & PT-189), Southlake Driving School (C3032 & PT-190), HEB Driving School (C3163 & PT-191) and Denton Driving School (C3086 & PT-192).

Good afternoon Sam,

I am the one who approved your course and none of the courses I approved were online. The material you all submitted was paperback material. If your courses are online courses then I will need a login and password to review those online courses.

Kind Regards,

Shanisty Villanueva
Team Lead
Education & Examination Division
Texas Department of Licensing and Regulation
www.tdlr.texas.gov

From:

Sent: Wednesday, May 27, 2020 10:44 AM

To: Shanisty Villanueva < Shanisty. Villanueva@tdlr.texas.gov>

Subject: Re: [External Email] TDLR Approved Online PTDE Courses: Vista Ridge Driving School (C0378 & PT-188), Community Driving School (C2827 & PT-189), Southlake Driving School (C3032 & PT-190), HEB Driving School (C3163 & PT-191) and Denton Driving School (C3086 & PT-192)

Very good. Thank you.

----Original Message----

From: Shanisty Villanueva < Shanisty. Villanueva@tdlr.texas.gov>

To:

Sent: Wed, May 27, 2020 10:29 am

Subject: RE: [External Email] TDLR Approved Online PTDE Courses: Vista Ridge Driving School (C0378 & PT-188), Community Driving School (C2827 & PT-189), Southlake Driving School (C3032 & PT-190), HEB Driving School (C3163 & PT-191) and Denton Driving School (C3086 & PT-192).

Good morning,

I am working on this request now.

Kind Regards,

Shanisty Villanueva
Team Lead
Education &Examination
Texas Department of Licensing and Regulation
www.tdlr.texas.gov

From:

Sent: Sunday, May 24, 2020 11:15 PM

To: Shanisty Villanueva < Shanisty. Villanueva@tdlr.texas.gov>

Subject: [External Email] TDLR Approved Online PTDE Courses: Vista Ridge Driving School (C0378 & PT-188), Community Driving School (C2827 & PT-189), Southlake Driving School (C3032 & PT-190), HEB Driving School (C3163 & PT-191) and Denton Driving School ...

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Shanisty,

Please make the requested designated additions regarding the following **TYPE OF COURSE: Full-Course Online**, for the following listed licensed driver education schools, in order that this information may be accurately listed on the TDLR website and the PTDE Program Guide.

- 1. Vista Ridge Driving School PTDE Course PT-188.
- 2. Community Driving School PTDE Course PT-189.

- 3. Southlake Driving School PTDE Course PT-190.
- 4. HEB Driving School PTDE Course PT-191.
- 5. Denton Driving School PTDE Course PT-192.

Best regards,

Sam

From: <u>Elizabeth Jones</u>
To: <u>Trisha Linebarger</u>

Subject: FW: Officially Published and Approved TDLR DES Search Tool PTDE Course Classification Review Policy

Date: Wednesday, June 17, 2020 10:38:18 AM

Sent: Wednesday, June 17, 2020 10:31:46 AM (UTC-06:00) Central Time (US & Canada)

To: Sunset Advisory Commission

Subject: Officially Published and Approved TDLR DES Search Tool PTDE Course Classification Review

Policy

----Original Message-----

To: open.records@tdlr.texas.gov <open.records@tdlr.texas.gov>

Sent: Wed, Jun 17, 2020 10:09 am

Subject: Officially Published and Approved TDLR DES Search Tool PTDE Course Classification Review

Policy

Open Record & Public information Act Staff
Office of the General Counsel
Texas Department of Licensing and Regulations

Please provide me with all documentation regarding the establishment and implementation of the recently created TDLR DES Search Tool PTDE Course Classification Review Policy. Additionally, please provide with all laws and regulatory provisions and corresponding rules confirming the justification and the applicable timelines regarding the recent establishment of the TDLR DES Search Tool PTDE Course Classification Review Policy determination.

Thank you,

Sam Shotts