

Motorcycle Safety Education Commission Meeting Minutes

December 10, 2018 10:00am

KSP Academy Coffee Tree Rd. Frankfort, KY

Commission Members Present:

Steve Hanlon
Marshall Johnson
Matt Cole
Bob Heckel
Joe Altobellis
Glenda Hobbic

Justice Cabinet Representatives

Jay Huber
Brad Holajter

Guests:

Dave Newman, Dinah Meister, Jim Bentley, Josh Bentley, Armand Bolotte, Steffen Smith, Jenifer Reinbold, Jim Whitehair, Evan Noel, Randy Deere, Anita Merriss, Shane Richmond, Evan Schipper, Tim Jenne, Bruce Young, Lee Tompkins, Carlos Luna, Scot Williams

Open Session:

Previous Meeting Minutes reviewed. Motion to approve by Joe Altobellis seconded by Bob Heckle motion passed.

Public Comment:

Question by Bruce Young of Jay Huber's responsibilities and was clarified by Steve Hanlon. Introductions of attendees.

Program Status:

Budget review:

Review of report on the expenditures and number of students trained. Some invoices may not have been processed so the report is not all inclusive at this point. With anticipated invoices, expenditures are estimated to be about \$260,000 for June through December of 2018 and trained 1260 students successfully. Jim Bentley asked about the increase of the per student cost and why the change in type of payouts. Explanation by Jay Huber and Steve Hanlon that this was driven largely by the administrative costs charged by ECU to run the program in the past.

Revised Site Provider Contracts:

Concerns had been raised about some of the wording in the revised contracts. Items that were formatting related or in need of clarification through definition can be accomplished with no problem and are in the works.

The questions regarding student data that had been raised previously by HDRA and the link with their SMS system came back from legal and the ethics board. Student data cannot be transferred directly to private entities. However, a link can be placed on the state website that after a student signs up they can be forwarded to the site provider's page of choice. So long as the opportunity is the same for all sites there is not an issue with the ethics board. Site providers would need to inform the students on their website that they are providing information that may be used for marketing purposes and have a student opt-in feature. Brad Holajter explained the changing process of how data is handled within the state and the COT office structure as well as the reasoning behind the changes.

Brad Holajter explained how the new contracts can move forward under a variety of circumstances. Sole source was not an option and a standard RFP is extremely cumbersome. One pathway was to have a standing RFP in which anyone can put in a bid to be a site provider at any time and becomes more of a checkbox type form to review qualifications versus the narrative format of a standard RFP. The other option is a cited authority which relies on the administrative regulation. One difficulty with the regulations is the student tuition. A fee schedule may have to be set for each class but not preclude promotional activities. When the regulations go into effect all sites would need to apply under the regulations and the new revised contract would be issued under the regulations.

Discussion regarding whether to pursue the standing RFP versus administrative regulation. There may be a need for a special meeting of the commission depending on the timing of the regulations and to coordinate with the legislature. It was the consent of the commission to pursue the regulations over the standing RFP.

Train the Trainer Contracts:

The hope is to have the contracts out by the December break. Then start scheduling the training sessions to happen in March or April.

New sites:

Morehead University and Sync Training are in talks to work out details of an agreement for Sync to use the facilities at Morehead to provide the classes.

The KCTCS schools have some logistical questions that need to be worked up but are very interested to bring the program to at least a couple of sites and potentially more.

Four Rivers HD, ABATE of Indiana and other new private providers would fall under the new administrative regulations process should they wish to come on board. ABATE of Indiana was concerned about instructor availability in the Owensboro area.

Still looking to find someone in the Ashland area to provide training as well.

State Website Reporting Requirements;

Sample reports were handed out for review. Discussion as to what information the cabinet, sites, and commission would need to be able to operate. Any ideas and suggestions for future changes should go through Jay Huber via email so there is a written record of items and easier to be forwarded to the KI team. Further discussion as to who would have access to certain administrative levels. Focus was whether the coaches need access to student information and whether they should put in pass/fail info or handle that at the site provider level.

Lee Tompkins talked about the links to the site provider websites after a student completes the registration process and the restrictions of passing data to a private entity. Discussion of waiver forms and whether they would be housed on the website or in physical form at the site. Also would an e-signature suffice for liability purposes? The prevailing idea was to have the site provider hold onto the physical copy of the waiver forms and define the length of time within the contract they had to keep them on file.

Randy Deere had asked about differentiation for those students taking an e-course component. Discussion followed between KI, Brad and others as to logistics of how that can occur. No decision was finalized.

EKU Equipment:

Titles have been received by EKU and working on being signed at this time. EKU was sent an official letter that the Commission had accepted their offer. Waiting on an answer about the smaller items such as cones, parts, helmets, etc. and if they are coming to the Cabinet or not?

Question was asked whether the motorcycles would be free to certain entities. The bikes would be sold for an agreed upon price using the bluebook and condition to set the sale price. Discussion of the process for transferring the bikes including interagency, 501c3 and auction.

Administrative Regulations:

Discussion of setting a fee schedule and request for site providers to email their thoughts and prices. A draft copy of the applications for instructors was handed out and discussion of the KRS requirements for the instructors. The first point was the KRS requirement to look at the driving record of instructors and how to meet fulfill that requirement. Point was made that many school and state employees are required to sign disclosure forms stating that if they are arrested, lose a license, etc. they must report that to their administrator within a certain time frame. Decision was to have the instructors provide a 5-year report with their initial application and then the Cabinet would run a 3-year report every other year. This being due to how KYDOT has the reporting system setup within their department.

The next item was the definition of a year in terms of certifications and how long they had to comply with the classes taught requirement. Does the year refer to a calendar year, fiscal year or start at the time of approval? After some discussion it was decided to go from the time the instructor was certified.

Next question was how to address the situation when an instructor was unable to teach the minimum required classes within a year? This could be due to work or health issues. Should a shortened process be developed for instructors previously certified but lost their certification due to not teaching a minimum number of classes? Ideas were presented and was decided to require a combination of a QA review and an update course and would need to be a secondary coach for a period of time.

NHTSA standard refers to crimes by an instructor precluding them qualifying. Discussion as to whether any crimes outside of license suspension would preclude the someone from being an instructor. Decision to add that they could not be on the sex offender registry due to minors taking the course.

The NHTSA standards also ask for minimum health requirements and what should be required in the regulations. Decision was to add in that an instructor must be able to lift a bike when dropped and they must be able to perform the demonstrations required by the curriculum.

The draft regulations will be ready for the next meeting where the commission will need to vote on the regulations before it moves on.

Future Meetings:

The Justice Cabinet is available for meetings on Wednesdays and Thursdays if the commission would like to switch their normal meeting days. This would allow easier access to Cabinet staff when needed. Item tabled until the next meeting

Question as to instructor training and where that may occur. Plan was to send the trainers out regionally to each of the sites and conduct training as needed.

Motion to adjourn by Bob Heckle, seconded by Joe Altobellis motion passed.