

April 23, 2025

VIA EMAIL

The Honorable Ronald D. Kouchi
Senate President
415 South Beretania Street
Hawai'i State Capitol, Room 409
Honolulu, Hawai'i 96813

VIA EMAIL

The Honorable Nadine K. Nakamura
Speaker, House of Representatives
415 South Beretania Street
Hawai'i State Capitol, Room 431
Honolulu, Hawai'i 96813

Re: *Audit of the Department of Education and the Department of Transportation's
Administration of Driver Education Programs, Report No. 25-06*

Dear President Kouchi and Speaker Nakamura:

We have completed our audit of the Department of Education and Department of Transportation's driver education programs that was requested by the Legislature through House Concurrent Resolution No. 125 (2022 Regular Session). Attached is Report No. 25-06, *Audit of the Department of Education and the Department of Transportation's Administration of Driver Education Programs*, and the Auditor's Summary.

The report is accessible through our website at:
<http://files.hawaii.gov/auditor/Reports/2025/25-06.pdf>.

The summary is also accessible through our website at:
<http://files.hawaii.gov/auditor/Overviews/2025/25-06AuditorSummary.pdf>.

If you or other Legislators have questions about the report or would like a printed version of the report, please let me know.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Leslie H. Kondo", is written over a light blue horizontal line.

Leslie H. Kondo
State Auditor

Attachments

cc/attach: Members of the Senate
Members of the House of Representatives
Carol Taniguchi, Senate Chief Clerk
Brian Takeshita, House Chief Clerk

Auditor's Summary

Audit of the Department of Education and the Department of Transportation's Administration of Driver Education Programs

Report No. 25-06



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TEENS UNDER 18 have been required to complete State-certified driver education to qualify for driver's licenses since January 2001. However, as noted in House Concurrent Resolution No. 125 (2022 Regular Session), many students have been unable to enroll in driver education – particularly students from neighbor islands. According to the resolution, limited opportunities have led some neighbor island students to travel to O'ahu to take driver education, while other prospective drivers delay getting their licenses until after they turn 18. The resolution asked the Auditor to examine the backlog of driver education opportunities and programs, including insufficient instructors and courses, to determine why many teens are unable to enroll in driver education, considering the Department of Education (DOE) offers driver education at public high schools throughout the state. Driver education courses are also available through commercial driving schools, but at a much higher cost: DOE charges \$10 for classroom instruction and behind-the-wheel training, while commercial schools can charge as much as \$550 to teach the same curriculum.

The resolution points out that two agencies are involved in high school driver education – DOE provides classroom instruction and behind-the-wheel training to students, and the Department of Transportation (DOT) certifies the curriculum

Without administrative rules, DOE's driver education program remains structurally incomplete, with none of the necessary details about how the department intends to provide instruction at its high schools.

used in those courses and the instructors (DOE teachers and instructors teaching at commercial driving schools) qualified to teach it. Because the two departments have distinctly different roles and responsibilities in the State's driver education program, we audited them separately, although our analyses address certain issues relevant to both departments.

Department Of Education

DOE's driver education program is incomplete, a loosely organized and inconsistent collection of school-level practices, that is incapable of being meaningfully evaluated.

DOE has offered driver education to Hawai'i teenagers for more than a half-century. When it established a statewide driver education program in 1966, the Legislature deemed the need for such instruction to be a "matter of urgency," a legislative "imperative," citing the "needless loss of human life on the highways" and noting that there is clear-cut evidence that driver education and training can reduce such loss.

The Legislature authorized DOE to establish and administer a driver education program "at each public high school in the State" through Act 42, Session Laws of Hawai'i (SLH) 1966. Such courses must be open to all state residents under age 19, including public and private school students, home-schooled teenagers, and age-eligible residents who have already graduated or are no longer in school. But the concisely worded act included none of the details necessary for the department to oversee the program. Instead, the Legislature instructed the department to provide those details, filling in the broad program outlined in the act through administrative rules.

What we found

We found, nearly 60 years later, DOE has yet to act as the Legislature directed – and expected. It has neither promulgated administrative rules that would complete the program, nor developed comprehensive internal regulations or procedures to guide its internal operations. Notably, DOE did not promulgate rules after the enactment of Act 175, SLH 1999, which changed its voluntary high school driver education program into a mandatory course for prospective drivers, thereby increasing demand. As a result, DOE's high school driver education program is incomplete, lacking adequate direction and detail. The failure to adopt rules compromises program transparency, accountability, consistency, and fairness. For example, during our audit, 35 of DOE's 68 public high schools offered driver education courses, and we found there were 35 different ways that the instruction is made available to interested students.

We additionally found DOE has no way to measure demand for its courses, which prevents the department from meeting its mandate to employ "necessary instructors" who have met all certification requirements. To calculate the number of necessary instructors, DOE would first need to set targets for how many students it intends to teach and how many classes are needed to accommodate them, as well as take into consideration areas where the classes are needed. That policy needs to be developed through rulemaking.

Why do these problems matter?

Without a complete program, there is no centralized administration and leadership. DOE has yet to establish how it intends and expects driver education to be offered at its high schools. For instance, there are no policies and procedures describing how schools ensure enrollment in the driver education program is equitable to all eligible residents, including those who do not attend the school offering the course.

The absence of consistent guidance has left schools to figure out for themselves whether to offer driver education. Surveys and interviews with principals, school-level coordinators, and driver education instructors, as well as reviews of school websites, revealed an array of different strategies for enrolling students. The distributed nature of the program has rendered DOE unable to estimate the demand for driver education, or to identify and quantify a backlog of students wanting to enroll in a driver education class.

We recommend, among other things, that DOE promulgate administrative rules that articulate the department's policy with respect to driver education in its high schools, including how it intends to provide instruction to age-eligible students, the priorities and prerequisites for enrollment, how individuals apply to enroll in a course, and consistent application procedures, including how to maintain waitlists.

Department Of Transportation

A lack of meaningful management oversight and interest in DOT's driver education program resulted in an unequal certification process for instructors and impeded efforts to expand access to students statewide.

Act 175, SLH 1999, gave DOT new responsibilities related to high school driver education, tasking the department with ensuring instruction was appropriate and standardized, and certifying driver education instructors who have fulfilled all legal requirements. DOT promulgated administrative rules that outline how student, instructor, and master trainer curricula are to be selected and certified, which went into effect in 2006. Among other things, the rules require the DOT Director to appoint task forces to select and recommend student and instructor curricula for certification, while the DOT Director has sole discretion for certifying curricula used to teach master trainers who train new instructors.

DOT is also responsible for certifying driver education instructors who have met all requirements in accordance with the department's rules, which include completion of a DOT-certified course for new instructors. DOT also processes instructors' annual and 5-year renewal applications.

What we found

Not only has the DOT Director neglected to form the required task forces, during the audit period, the director had not certified any driver education course curricula – not the student curriculum; not the instructor curriculum; and not the master trainer curriculum. The curricula are fundamental to and necessary for

the department to perform its primary responsibility of certifying instructors and ensuring students receive appropriate driver education instruction. Without any certified course curricula, DOT cannot fully comply with other legal requirements, such as issuing certificates to driver education instructors who have “successfully completed a training class certified or subsequently certified by the department.”

The lack of certified curricula created a void that a lower-level Highway Safety Specialist stepped in to fill. A lack of internal controls – along with inaction and inattention from management – enabled the specialist to perform tasks assigned explicitly to the director, exercising authority well-beyond that conferred to the department. For instance, the specialist created requirements for master trainers that effectively eliminated DOE’s internal training program, then designated three other individuals to be master trainers despite the absence of a DOT Director-certified curriculum. We were told one of the three trainers was romantically involved with the specialist; property records show the two purchased a home together in 2023.

From 2022 until the Highway Safety Specialist abruptly resigned in August 2024, those three trainers, along with the specialist, controlled who could, and could not, teach driver education in Hawai‘i. This limited DOE’s ability to have new instructors trained, and inflated DOE’s costs to do so. The specialist also intruded on how DOE could offer instruction, such as prohibiting the use of substitute teachers and imposing a 14-student cap on virtual classes. House Concurrent Resolution No. 125 specifically called out DOT’s flexibility – or lack thereof – regarding virtual classes that could expand access to driver education courses, especially for neighbor island residents.

We found insufficient supervision allowed for unequal treatment of instructors seeking renewed certificates; instructors were suspended for late renewals, or for making minor mistakes on student certificates, and were required to take a paid course from one of the specialist’s designated trainers for reinstatement. In addition to suspending instructors, the specialist directed county examiners of drivers to turn away students who presented certificates issued by suspended instructors – even certificates that had been issued while an instructor’s certification was current. When a DOE coordinator attempted to assist students whose certificates of completion had been voided, the specialist responded by first suspending, then terminating the coordinator. After a delayed and flawed proceeding, the coordinator’s termination was reversed by the DOT Director without explanation.

Why do these problems matter?

The Highway Safety Specialist’s unauthorized and unsupervised activities created havoc at both DOT and DOE. Her unequal treatment of instructors seeking renewed certificates led to reduced income for some driver education instructors, and financial gains for the three individuals she chose to be master trainers. As we reported, the Highway Safety Specialist required instructors she disciplined to pay her designated master trainers up to \$200 for refresher courses to continue their driver education jobs. The Highway Safety Specialist’s actions against instructors

also impacted students who had completed a driver education under a certified instructor who was subsequently suspended, delaying their ability to obtain a driver's license.

The Highway Safety Specialist also impeded DOE's ability to increase driver education opportunities by eliminating its internal master training program, which forced DOE to pay the DOT master trainers for new instructor training. This raised DOE's costs for training new instructors, which is paid out of the driver education fund, a special fund that uses \$2 collected from each insured vehicle in Hawai'i to support DOE's driver education and traffic safety programs.

While DOT claimed to have tried to rein in its employee, we recommend defining clearly, in writing, the roles, responsibilities, and limits of authority, as well as the Motor Vehicle Safety Office Administrator's supervisory responsibilities over anyone administering the program.

The Highway Safety Specialist's misuse of her position undermined the integrity of the program; however, just as damaging and maybe more concerning is the DOT administration's lack of presence and awareness, which allowed her to operate unchecked for so long.



[Link to the complete report:](https://files.hawaii.gov/auditor/Reports/2025/25-06.pdf)

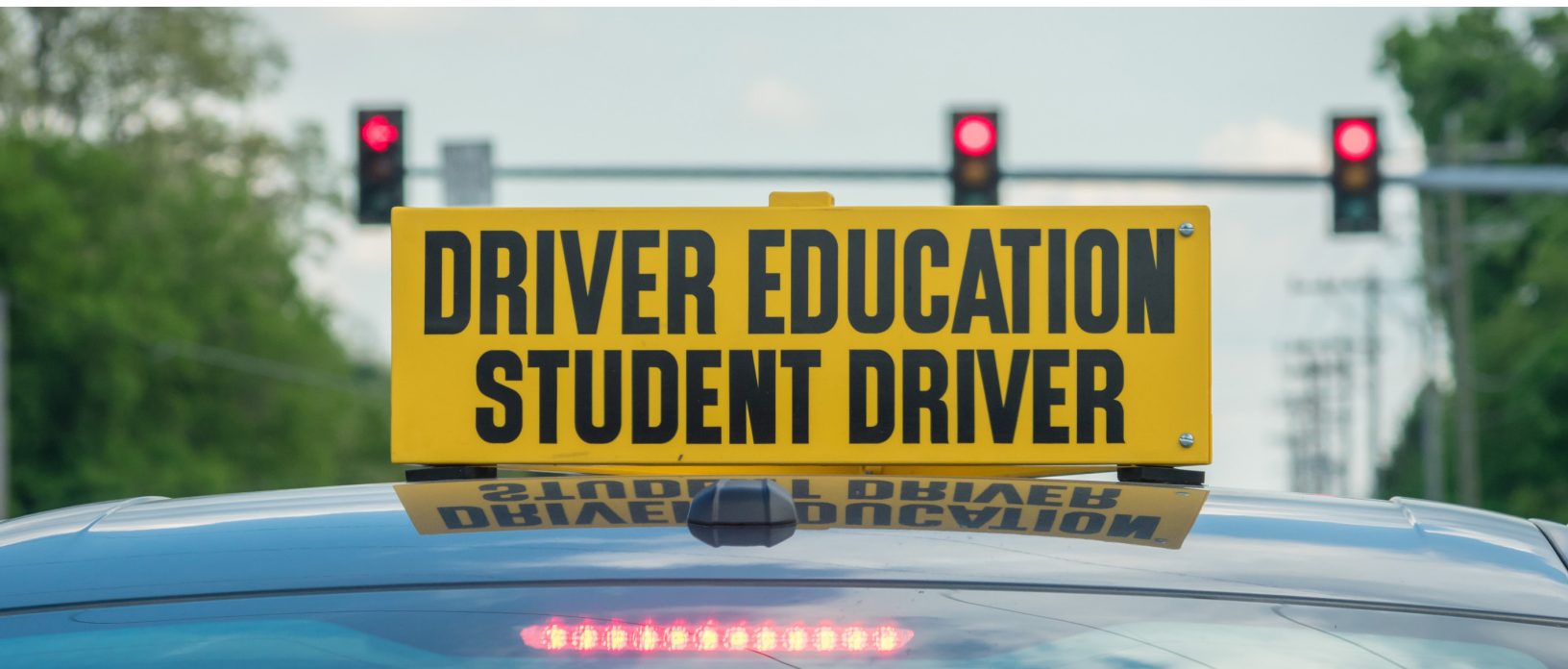
**Audit of the Department of Education and the Department of
Transportation's Administration of Driver Education Programs**

<https://files.hawaii.gov/auditor/Reports/2025/25-06.pdf>

Audit of the Department of Education and the Department of Transportation's Administration of Driver Education Programs

A Report to the Governor
and the Legislature of
the State of Hawai'i

Report No. 25-06
April 2025



OFFICE OF THE AUDITOR
STATE OF HAWAII



OFFICE OF THE AUDITOR STATE OF HAWAII

Constitutional Mandate

Pursuant to Article VII, Section 10 of the Hawai'i State Constitution, the Office of the Auditor shall conduct post-audits of the transactions, accounts, programs and performance of all departments, offices and agencies of the State and its political subdivisions.

The Auditor's position was established to help eliminate waste and inefficiency in government, provide the Legislature with a check against the powers of the executive branch, and ensure that public funds are expended according to legislative intent.

Hawai'i Revised Statutes, Chapter 23, gives the Auditor broad powers to examine all books, records, files, papers and documents, and financial affairs of every agency. The Auditor also has the authority to summon people to produce records and answer questions under oath.

Our Mission

To improve government through independent and objective analyses.

We provide independent, objective, and meaningful answers to questions about government performance. Our aim is to hold agencies accountable for their policy implementation, program management and expenditure of public funds.

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We conduct performance audits (also called management or operations audits), which examine the efficiency and effectiveness of government programs or agencies, as well as financial audits, which attest to the fairness of financial statements of the State and its agencies.

Additionally, we perform procurement audits, sunrise analyses and sunset evaluations of proposed regulatory programs, analyses of proposals to mandate health insurance benefits, analyses of proposed special and revolving funds, analyses of existing special, revolving and trust funds, and special studies requested by the Legislature.

We report our findings and make recommendations to the Governor and the Legislature to help them make informed decisions.

For more information on the Office of the Auditor, visit our website:
<https://auditor.hawaii.gov>

Foreword

Our audit of the Department of Education and the Department of Transportation's Administration of Driver Education Programs was conducted pursuant to House Concurrent Resolution No. 125 (2022 Regular Session) which requests the Auditor to assess the Department of Education and Department of Transportation's administration of their respective driver education programs, including their associated policies and procedures.

We express our appreciation to the representatives from the Department of Education, Department of Transportation, American Driver & Traffic Safety Education Association, and other individuals whom we contacted during the course of our audit, for their cooperation and assistance.

Leslie H. Kondo
State Auditor

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Audit of the Department of Education and the Department of Transportation's Administration of Driver Education Programs

Introduction

A STATEWIDE DRIVER EDUCATION PROGRAM in Hawai'i dates back to the 1960s, when the Department of Education (DOE) started offering classroom instruction and behind-the-wheel training at its public high schools, as directed by Act 42, Session Laws of Hawai'i (SLH) 1966. That act declared that the need for such instruction was a matter of "urgency," noting that driver education and training can reduce needless traffic fatalities. Driver education, though, was optional, meaning young drivers weren't required to complete driver education instruction. That changed with the passage of Act 175, SLH 1999, which made driver education a requirement for anyone under 18 wanting to obtain a driver's license starting at the beginning of 2001, and gave the Department of Transportation (DOT) its own driver education responsibilities.

Without administrative rules, DOE's driver education program remains structurally incomplete, with none of the necessary details about how the department intends to provide instruction at its high schools.

With the new requirement that teens complete driver education to get their licenses, DOE likely anticipated – or should have reasonably anticipated – increased attention to and demand for its driver education courses and understood the need to develop policies and give structure to its program. Although Act 175 did not change DOE's mandate to offer driver education in its public high schools, it was an opportunity for DOE to finally promulgate administrative rules and complete the program DOE had been directed to establish in 1966.

Act 175 had a greater impact on DOT, directing DOT to establish its own driver education program. DOT's driver education responsibilities are distinct from those required of DOE – DOE teachers, certified as driver education instructors, provide driver education at public high schools with enrollment open to Hawai'i residents aged 15 through 18. DOT, on the other hand, certifies the statewide course curricula used to teach students to drive and instructors to teach, as well as the curricula used to train those who themselves train new instructors (master trainers). And DOT certifies DOE and commercial driver education instructors who have met all requirements to become instructors and processes their annual and five-year renewal applications.

While DOE is not the only provider of high school driver education, it is the most affordable option for teens who can pay \$10 for DOE's course, and not \$550 that commercial driving schools may charge for the same instruction. And even if students can afford commercial rates, they won't necessarily find courses nearby: as of October 2024, most commercial driving schools were concentrated on O'ahu (32); only six operated on Hawai'i Island, and four each on Maui and Kaua'i.

House Concurrent Resolution No. 125 (2022 Regular Session) requests the Auditor to assess DOE and DOT's administration of their respective driver education programs, including their associated policies and procedures. The resolution raises concerns about fair access, noting that many students attempting to enroll in driver education are turned away due to a backlog that predated, but was exacerbated by, pandemic restrictions during the 2020-2021 school year. The resolution also requests that the Auditor examine this backlog of driver education opportunities and programs, including insufficient instructors and courses.

We found that both departments – DOE and DOT – have not understood that division of responsibilities, and as a result, DOT has asserted control over aspects of DOE's driver education program, apparently without objection by DOE. While DOE had been offering driver education for nearly six decades, the department had never promulgated the administrative rules it had been authorized to do – and required to do – since 1966. It did not exercise its rulemaking authority in 1999 when

a law was enacted requiring formal driver education for those under age 18 to obtain a driver's license. And it did not engage in rulemaking in 2005 when the Graduated Driver Licensing law was enacted, which introduced a three-phase licensing process for drivers under 18. Without administrative rules, DOE's driver education program remains structurally incomplete, with none of the necessary details about how the department intends to provide instruction at its high schools, including the priorities and prerequisites for student enrollment that the Legislature directed the department to establish. Without that required structure, we found driver education is heavily dependent on high school principals and driver education coordinators who decide whether to even offer driver education at their respective schools and, if instruction is offered, who can enroll. That has resulted in driver education being offered at only 35 of DOE's 68 high schools, with schools doing things markedly differently.

In contrast, DOT did promulgate administrative rules as it was directed to do in Act 175, albeit six years later in 2006. The rules describe how DOT is meant to carry out its driver education responsibilities, starting with the DOT Director certifying the curricula for student, instructor, and master trainer courses. DOT's other responsibilities for driver education are limited and primarily ministerial: the department issues certifications to driver education instructors and annually renews those certifications, upon receipt of the documentation listed in the rules.

We found the DOT Director has not certified any curricula, which is foundational to the driver education instruction in DOE high schools as well as to commercial driver education schools. In the absence of action by the director, a DOT Highway Safety Specialist arbitrarily approved courses for master trainers as well as for instructors. That lower-level employee also unilaterally created other policies and procedures in matters that exceeded DOT's legal authority, creating uncertainty, havoc, and even potentially exposing the department to liability. Both the DOT Director and the Motor Vehicle Safety Office Administrator, who is the administrator of DOT's driver education program, told us that those actions were never authorized and that the Highway Safety Specialist had not been delegated any of the director's responsibilities. Until our audit, the Highway Safety Specialist's actions, generally, were unknown to DOT management.

While DOE and DOT have distinctly different roles and responsibilities in the State's high school driver education program, we found that both departments lack a fundamental awareness of what those roles and responsibilities should entail. In addition, to varying degrees, each department has failed to fully complete foundational parts of their respective programs, elements that guide policies and procedures, which for both departments are often vague or incomplete, if they exist at all.

The lack of clarity and completion has caused inconsistencies in the program, affecting oversight and effectiveness.

Because DOE and DOT have distinct statutory responsibilities, we report on them separately, although our analyses address certain issues relevant to both departments. The first chapter of this report focuses on DOE's driver education program; the second chapter reports on DOT's administration of its driver education responsibilities.

Impetus

This audit responds to House Concurrent Resolution No. 125 (2022 Regular Session), which requests the Auditor to examine the backlog of driver education opportunities and programs, including insufficient instructors and courses, and determine why many teens are not able to enroll in DOE driver education classes.

The legislator who introduced the resolution after receiving complaints and queries about access to driver education from parents and instructors from Maui and Hawai'i Island, said the resolution reflects their concerns that many students are unable to enroll in driver education due to a persistent backlog. According to the resolution, neighbor island students had been enrolling in driver education on O'ahu due to limited options on their home islands even prior to COVID-19.

The resolution requests us to assess DOE and DOT's administration of their respective driver education programs, including their associated policies and procedures.

Audit Objectives

Department of Education:

1. Evaluate the extent to which driver education instruction is available to state residents ages 15 through 18 at Department of Education high schools.
2. Make recommendations as appropriate.

Department of Transportation:

1. Assess whether the Department of Transportation administers its driver education certification program in accord with legal requirements.
2. Evaluate the Department of Transportation's renewal of driver education instructor certificates.
3. Make recommendations as appropriate.

Summary of Findings

Department of Education:

1. The Department of Education's driver education program is incomplete, a loosely organized and inconsistent collection of school-level practices, that is incapable of being meaningfully evaluated.

Department of Transportation:

1. A lack of meaningful management oversight and interest in the Department of Transportation's driver education program resulted in an unequal certification process for instructors and impeded efforts to expand access to students statewide.

CHAPTER 1

Audit of the Department of Education's Driver Education Program

The program has little overarching structure, almost no department oversight, and few statewide policies.

According to the Department of Education, driver education is not a graduation requirement, and the department is not tasked to teach every single teenager how to drive. DOE considers driver education an optional extracurricular activity – akin to an athletic program or an after school club – so like those activities, schools decide how, when, and to whom the courses are offered, or if they are offered at all. Therefore, DOE's administration of the program largely involves distributing resources to high schools that offer driver education. Apart from a uniform student curriculum and a requirement to open courses to all residents aged 15 through 18, the rest is up to each individual school. During the 2023-2024 school year, only 35 of 68 high schools provided driver education instruction, with each of those schools offering the instruction independently, with virtually no direction – resulting in dozens of different approaches.

The Legislature created driver education as a department-level program and empowered DOE to establish statewide policy through administrative rules, articulating how the program would be offered at public high schools. DOE has neglected to do so, leaving its driver education program incomplete and unstructured.

House Concurrent Resolution No. 125 (2022 Regular Session) requests that the Auditor examine, among other things, DOE's administration of its driver education program and the backlog of driver education opportunities at public high schools, including the sufficiency of instructors and courses. We are unable to fulfill either of the Legislature's requests about DOE's driver education program because the department's administration of the program is so limited and underdeveloped that there is nothing for us to meaningfully assess. The department is unable to even estimate the demand for driver education or the backlog of students wanting to enroll in a driver education class. The program has little overarching structure, almost no department oversight, and few statewide policies.

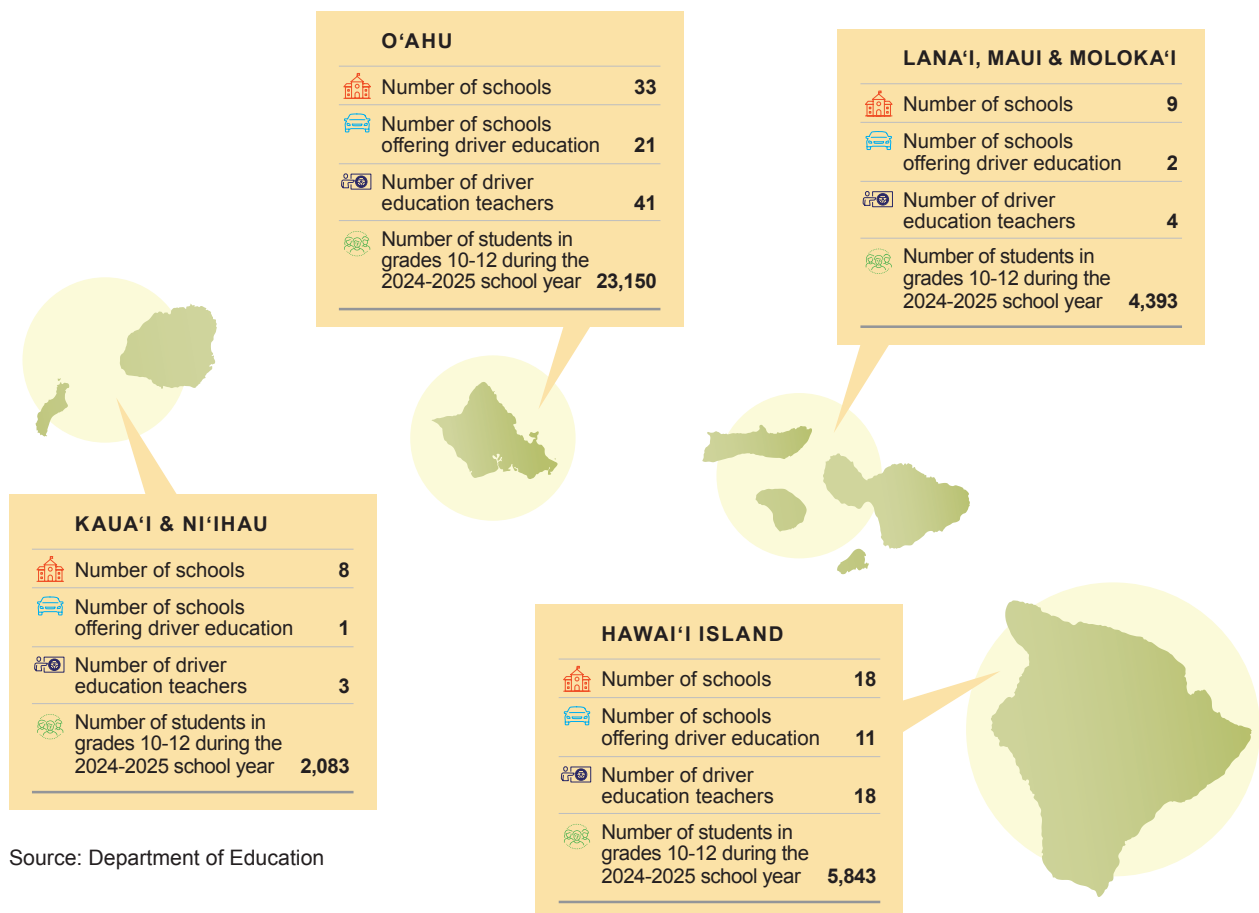
Are students, both DOE and non-DOE, being given equal access to the department's driver education program? Is there a backlog of students wanting to enroll in DOE's courses, and if so, how is the department managing its backlog? The short answer to those questions is: It depends. The long answer consists of 35 different scenarios – one per school at which driver education is currently offered – all subject to change as principals and driver education personnel come and go.

Background

The driver education program at DOE is administered by a Resource Teacher (Program Manager),¹ who is responsible for the daily business of the driver education program. The Program Manager reports to the Extended Learning Branch Administrator. According to DOE's internal driver education operations manual, the Program Manager distributes resources to high schools that have driver education programs. To offer driver education, a high school must have at least one DOE-licensed instructor willing to teach courses. During our audit, 35 of 68 public high schools across the state offered driver education.²

DOE Schools Offering Driver Education Programs

Note: Not all members of a student body may meet the age requirements to participate in driver education courses.



¹ The official title of the driver education program's manager is Driver Education and Traffic Safety Program (DTSEP) Resource Teacher. For clarity and ease of reference, we refer to the DTSEP Resource Teacher as the Program Manager.

² The 68 public high schools include 21 public charter schools. Of the 35 public high schools that offer driver education, 3 are public charter schools.

At the school level, there are two types of positions: driver education program coordinator and driver education program instructor. Coordinators are appointed by high school principals to provide program leadership and assume responsibilities for the direction, coordination, supervision, and promotion of driver education in the school; they may also serve as instructors. Instructors are hired or appointed by the principal and are responsible for teaching driver education in a classroom setting and behind the wheel. They are also responsible for maintaining the driver education cars, preparing and issuing the student certificates of completion, and maintaining the classroom and behind-the-wheel logs.

Student Driver Education by the Numbers



15 to 18

By law, driver education courses at public high schools must be “open to every resident of the State who is fifteen years of age or older and under nineteen years of age.”



38, 6, 50

DOE requires students to complete a minimum of 38 hours of classroom instruction and 6 hours of behind-the-wheel instruction. In addition, students must complete 50 hours of driving practice under the supervision of a licensed adult.



\$10

Students pay a \$10 fee for a DOE driver education course, which includes both classroom and behind-the-wheel instruction.



\$550

Under Hawai'i law, commercial driving schools can charge as much as \$550 for a driver education course, which includes both classroom and behind-the-wheel instruction.

Source: Office of the Auditor

Driver Education at DOE High Schools

By law, driver education courses at public high schools must be “open to every resident of the State who is fifteen years of age or older and under nineteen years of age,” although DOE may set priorities and prerequisites for enrollment in the course.³ According to DOE’s operations manual, students must submit an application form and pay a \$10 fee, which is collected and deposited into the state treasury to the credit of the general fund. Students must possess a current Hawai‘i instructional permit for the driving portion of the class.

DOE requires students to complete a minimum of 38 hours of classroom instruction and 6 hours of behind-the-wheel instruction. In addition, students must complete 50 hours of driving practice under the supervision of a licensed adult; a notarized form signed by a parent or legal guardian indicating the student has completed the required hours must be presented before a driver education instructor can award a behind-the-wheel certificate. After successfully fulfilling all requirements, the student will receive a student completion certificate signed by the instructor for each component – classroom and behind-the-wheel.

DOE’s operations manual states driver education courses should have a minimum of 26 students enrolled, but there are exceptions for remote-area or small public high schools, such as ‘Ānuenue, Hāna, Honoka‘a, Kaimukī, Kohala, Ka‘u, Lāna‘i, Moloka‘i, Pāhoa, and Waialua high schools. DOE has provided classroom instruction on the neighbor islands remotely and has flown in instructors to provide behind-the-wheel instruction in the past. According to the Program Manager, neighbor island schools must have a minimum of 15 students for DOE to send an instructor from another island to provide behind-the-wheel training.

Certain situations may cause a school’s driver education program to be discontinued. In one such scenario, a principal does not want the liability of storing the driver education car at the school and no instructor is willing to store the car at home, although this is so unlikely that the Program Manager has never witnessed an occurrence. Under another scenario, a school’s program could be canceled if it doesn’t have a driver education coordinator willing to do the day-to-day tasks at the school level or has no certified driving education instructor willing to teach classes. DOE closed Waimea High School’s program after two instructors quit and the remaining instructor did not want to assume the responsibilities of being a coordinator.

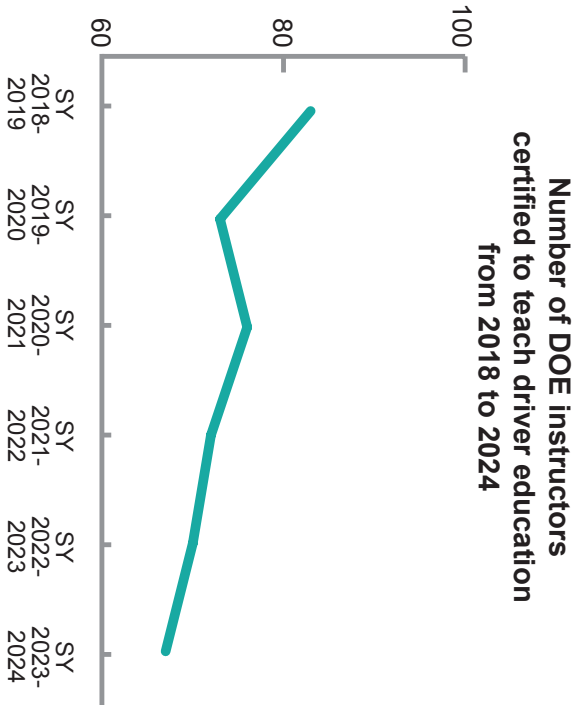
³ The requirement that courses be open to all age-eligible residents does not apply to elective driver education classes offered during the school day for credit toward graduation. Enrollment in for-credit courses is restricted to full-time students of the school offering the course.



Completing the Graduated Driver Licensing Process Through DOE

1. Obtain a Hawai'i Instructional Permit.
2. Find a high school with a driver education program.
3. Apply to the program and pay a \$10 course fee.
4. Attend a Parent and Student Orientation.
5. Complete a minimum of 38 hours of classroom instruction.
6. Complete 6 hours of behind-the-wheel instruction.
7. Complete 50 hours of driving practice under the supervision of a licensed adult, age 21 or older, and complete and notarize an "Acknowledgement of Practice Driving" form.
8. Receive two completion certificates, one for classroom instruction and another for behind-the-wheel instruction.
9. Schedule a road test for a provisional license and present both completion certificates to be eligible to take the exam.
10. After six months, a provisional licensee at least 17-years-old may obtain a full driver's license.

The Program Manager explained coordinators play a critical role in providing driver education services; it is their duty to provide direction, coordination, supervision, and promotion for their schools' driver education programs. A school's driver education program also relies on instructors being willing to teach after school, which we were told requires at least 10 hours during the week or on weekends.



Source: Department of Education

DOE's driver education program is incomplete, a loosely organized and inconsistent collection of school-level practices that is incapable of being meaningfully evaluated.

Driver education was established by the Legislature as a statewide program, and DOE should administer it as such, unlike other after-school activities like athletics.

DOE has offered driver education to Hawai'i teenagers for more than a half-century, providing both classroom training and behind-the-wheel instruction to teach safe driving skills and habits. When it established a statewide driver education program in 1966, the Legislature deemed the need for such instruction to be a "matter of urgency," a legislative "imperative," citing the "needless loss of human life on the highways" and noting that there is clear-cut evidence that driver education and training can reduce such loss.

The Legislature authorized DOE to establish and administer a driver education program "at each public high school in the State" pursuant to Act 42, SLH 1966. But the concisely worded act included none of the details necessary for the department to oversee the program. Instead, the Legislature instructed the department to provide those details, filling in the broad program outlined in the act through administrative rules.

In short, the Legislature intended driver education to be established as a statewide program, determining as state policy that the department offer driver education at its public high schools. Nearly 60 years later, DOE has yet to act as the Legislature directed – and expected. It has neither promulgated administrative rules that would complete the program, nor developed comprehensive internal regulations or procedures to guide its internal operations.

The department must engage in formal rulemaking.

The department's failure to adopt rules is not a minor lapse or a merely technical error. As the Legislative Reference Bureau explains, generally "a legislative act will provide the skeleton or superstructure for a program. Agencies are required to 'fill in the details' and implement the program on a day-to-day basis." And where those details affect private rights or procedures available to the public, an agency *must* engage in rulemaking under the Hawai'i Administrative Procedures Act, Chapter 91, Hawai'i Revised Statutes (HAPA). HAPA requires, among other things, a public hearing and an opportunity for public comment on proposed rules. Simply stated, a "rule" is an agency's statement about how it will implement a law or describing agency operating procedures available

to the public.⁴ (See “**Administrative Agencies and Rulemaking Requirements**” on page 13 for more information on administrative rules and regulations.)

In the case of driver education, through Act 42, SLH 1966, codified as Section 302A-413, Hawai‘i Revised Statutes (HRS), the Legislature created the program’s skeleton, leaving the program details to the department to complete. The Legislature instructed DOE to determine and specify, among other things, “the prerequisites and priorities for enrollment” and the requirements for instructors to teach driver education. Those details fall squarely within the statutory definition of a rule: they involve the program’s procedures that affect a teenager’s right to enroll in a DOE driver education course as well as an interested person’s ability to become certified as a DOE driver education instructor.⁵

There are numerous other program details – such as the application process, how schools select students, and the use of waitlists – that similarly affect the rights of the public and procedures available to it. While not specifically identified in Section 302A-413, HRS, those details are necessary to complete the driver education program and also must be established through formal rulemaking.

The requirement of public rulemaking is not an arbitrary legal formality; rather, it is designed to promote important values in democratic governance such as transparency and public participation in the making of laws that bind us. Rulemaking also helps keep the public informed of agency procedures and functions, and at a minimum, it means the rules that agencies apply to the public – rules to which the public is subject – cannot simply be “in the head” of some agency employee. That would essentially give that employee “unbridled discretion” to apply his or her own personal standards and also to shift requirements that affect the public’s rights as he or she thought fit. And it would mean those in the public affected by the agency’s actions “cannot fairly anticipate or address the procedure as there is no specific provision” in the regulations which describes the process. Such a scenario would leave

⁴ The Hawai‘i Supreme Court has explained that rulemaking is an agency action governing the future conduct either of groups or individuals; it “is essentially legislative in nature,” not only because it operates in the future, but also because it is concerned largely with considerations of policy. *Green Party of Hawai‘i v. Nago*, 138 Hawai‘i 228 (2016).

⁵ The Hawai‘i Administrative Procedure Act, Chapter 91, HRS, defines “rule” to mean “each agency statement of general or particular applicability and future effect *that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice requirements of any agency.*” (Emphasis added.) Section 91-1, HRS. Expressly excluded from that definition of rule are “regulations concerning only the internal management of an agency and *not affecting private rights of or procedures available to the public.*” (Emphasis added.) Id.

the public “without any firm knowledge of the factors that the agency would deem relevant and influential” in its decision-making.⁶

DOE’s failure to adopt administrative rules simply leaves the high school driver education program incomplete, without adequate direction and detail. That failure compromises program transparency, accountability, consistency, and fairness.

The importance of rulemaking is heightened by the Graduated Driver Licensing Program.

In 2005, the Legislature passed Act 72, SLH 2005, establishing graduated driver licensing for young drivers, a three-stage process that consists of instructional permit and provisional license phases, and culminates with the award of a driver’s license at 17 years of age. One of the requirements for a provisional license is the satisfactory completion of a State-certified driver education program that includes both classroom and behind-the-wheel instruction. The driver education requirement for teens under 18 had been introduced though Act 175, SLH 1999, codified as Section 286-108.4, HRS, which made mandatory – driver education courses and behind-the-wheel instruction for those under age 18 starting in 2001 – what before had been merely an option, thereby immediately prompting much greater student interest and demand for driver education through DOE’s program. It also should have caused the department to re-evaluate its driver education program and to recognize the need to engage in rulemaking to complete the structure and substance of the program.

Act 175 also changed DOE’s driver education program to a “two-department program,” tasking the Department of Transportation (DOT) with setting minimum requirements for DOE’s driver education curricula and creating a certification process for DOE instructors, a process previously handled exclusively by DOE. **(See Chapter 2, beginning on page 25 for discussion of DOT’s responsibilities regarding driver education).** As Act 42 had for DOE more than 30 years before, Act 175 directed DOT to adopt administrative rules to fill in the details of its driver education program, which DOT did more than five years later in January 2006.

⁶ All material in quotation marks in this paragraph may be found in the Hawai’i Supreme Court case, *Prince Hotel Waikiki v. City and County of Honolulu*, 89 Hawai’i 381, 974 P.2d 21 (1999). In *Prince*, the City Appraiser used an unwritten methodology for ascertaining the effect of the value of a golf course on surrounding lands, a methodology which gave “unbridled discretion” to the Appraiser and resulted in inconsistency and inequality across different golf course tax assessments. The Supreme Court held that because the City’s methodology was a statement of general applicability and future effect that implements law or policy, it amounted a “rule” under HAPA and therefore should have been.

Administrative Agencies and Rulemaking Requirements

Government agencies promulgate rules in order to implement, interpret, or prescribe law or policy.

STATE AGENCIES such as DOE and DOT are creatures of statute. In other words, they have no power apart from the power given them (or “delegated”) by the Legislature. The Legislature often creates an “outline” of the program that it intends, tasking the agency or department responsible with developing the details and procedures necessary to carry out the legislative policy. In those cases, the Legislature delegates its power to establish policy (i.e., the program details) to the department through the express authorization to promulgate administrative rules. Those rules, which have the force and effect of law, are required – the department *must* promulgate them – to describe how the policy or the program will be implemented, including the procedures or other requirements available to the public or that affect the private rights of the public. A program whose enabling law is devoid of such detail, and without the necessary administrative rules to give detail and specificity to the statute’s generality, is incomplete and undirected. Duly promulgated rules avoid the inherently arbitrary nature of unpublished ad hoc determinations and shifting procedures.

Under the Hawai’i Administrative Procedures Act, Chapter 91, HRS, departments must engage in “notice and comment” rulemaking, meaning, with limited exceptions, the department must publish draft rules for public comment and hold a public hearing before adopting them.

As DOT defined and clarified how it would implement its statutory responsibilities relating to driver education through new administrative rules, DOE should have done likewise. The department's failure to do so has directly led to DOE's misunderstanding of its authority and responsibility to provide driver education in its high schools; it has caused the department to acquiesce – improperly – to DOT's overreach, allowing DOT to effectively restrict the number of DOE driver education instructors and to dictate how DOE instructors provide instruction. The result is a DOE program lacking necessary structure with 35 schools deciding how and to whom to offer instruction.

Instead of providing a centralized location for information about the driver education program, the department's website features a spreadsheet that lists schools that offer driver education, providing little beyond contact information of the school's driver education coordinators.

There are 35 different ways driver education is offered to students.

Without a complete program, there is no centralized administration and leadership. DOE has yet to establish how it intends and expects driver education to be offered at its high schools. For instance, there are no policies and procedures describing how schools ensure enrollment in the driver education program is equitable to all eligible residents, including those attending other schools, both public and private, as well as students who are homeschooled or those who have graduated but are under 19. Section 302A-413, HRS, *requires* that driver education courses “be open to every resident of the State who is fifteen years of age or older and under nineteen years of age.” In addition, according to an “Administrative Guide” for the program from 1978, the department's goal was to accommodate all eligible students wishing to enroll in driver education, but its current manual does not include such a policy.

Moreover, DOE is required but has yet to establish prerequisites and priorities for program enrollment. Therefore, it is unclear how, or even if, students outside of a school's district are considered for selection into the driver education program equally with students attending the high school or whether non-DOE students inside of a school's district can enroll.

Instead, the department's driver education program is administered by dozens of different school principals and driver education coordinators. While the program's curriculum – what is taught in the classroom and on the road – is standardized, we found that there are 35 different ways that driver education courses and training are made available to interested students.

For a start, we found information for parents and students regarding DOE's driver education program is hard to locate. Instead of providing a centralized location for information about the driver education program, the department's website features a spreadsheet that lists schools that offer driver education, providing little beyond contact information for the school's driver education coordinators.

We surveyed the 35 schools that offered driver education during our audit period, with only 27 schools responding. School websites appear to be the most common way schools disseminate information, with 22 of the 27 schools sharing information about driver education opportunities online. However, when we visited those websites, we found current information on only 13 of them, with the accessibility and presentation of the information varied.

For instance, the Hawai‘i Academy of Arts and Science, a small school on Hawai‘i Island, drew on its experience as a public charter school that must turn away hundreds of applicants a year to create a transparent driver education enrollment process that is clearly promoted and explained on its website. Among other things, the site notes that classes are capped at 25 students who are registered on a first-come, first-served basis. But the website also states that the school offers six to eight classes per year based on demand, a determination based on how many students submitted a required Interest Form.

Similarly thorough, but vastly different, McKinley High School’s website provides information about upcoming opportunities, deadlines, and requirements for enrollment; the website also includes a link that students can click to fill out a Google Form and enter an enrollment lottery. Kea‘au High School’s driver education website also includes a link to a Google Form that students can submit to join a waitlist. The website does not indicate how students on the waitlist will be enrolled, but we learned through our survey that the school’s enrollment is first-come, first-served. Kea‘au’s waitlist application also includes links to other Hawai‘i Island high school programs, noting “You are allowed to take Driver’s Ed at ANY DOE school. You only need a permit and to be under the age of 19.”

The Leilehua High School Driver Education website includes general information on the State’s Graduated Driver License law, DOE driver education requirements, and Hawai‘i motor vehicle laws, along with information specific to the school’s program. Leilehua has a one-sheet document explaining its driver education policies and rules, as well as a colorful infographic explaining a five-step enrollment process to students.

Other school websites make driver education information difficult to find. For instance, while Waipahu High School’s survey response indicates it provides information on its website, we could not locate a space dedicated to driver education. A search on the school’s website turned up only one specific reference to driver education, in a blurb from an August 2022 school newsletter that said the first session was already full and explained how students could apply for the second quarter session.

Similarly, Pearl City High School's website did not have a listing for driver education. Instead, a search on Pearl City High School's website pulled up a faculty roster listing for the school's driver education coordinator. The listing includes a phone number and classroom number but no email address.

In addition, DOE's list of schools providing driver education combines Kailua and Kalāheo high school programs under one coordinator, although that is not evident on either school's website. We note that Kailua describes a lottery-based enrollment system, while Kalāheo's enrollment is first-come, first-served, suggesting two separate school programs. That said, the Kailua High School website includes so little information that it is unclear whether courses are ever conducted on campus – searching the website yielded a 2022 application and a QR code for students interested in signing up for driver education at Castle High School during the 2024-2025 school year. We ultimately learned through the DOE Program Manager that Kailua had discontinued its program prior to 2022 for want of an instructor. Kalāheo's website does have a section dedicated to driver education that states the school conducts courses once every quarter; however, it does not provide a schedule of upcoming courses and little information about how to apply – just a link to a Google Form for students interested in enrolling.

When it comes to non-DOE students (i.e., students enrolled in private schools and home schooled as well as those under 19 but not enrolled in school), there appears to be little – if any – outreach. Our survey asked the schools how they convey driver education program information to non-DOE students, and we received the following responses: School Website (22), School Bulletin Board (5), School Announcement (3), Email Blast (6), and Other (24), which included 14 “word-of-mouth” answers. It is not clear how non-DOE students would have access to school bulletin boards and announcements or how school staff send email blasts to students who aren't enrolled at their school. If non-DOE students do happen to learn about and subsequently apply to a school's driver education program, it is not clear if they are equally considered with students who are enrolled at the school.

One template, many applications

DOE provides a checklist of student information required for program applications. It appears some schools have used the checklist to create program inquires and applications using the Google Forms application. Eight of the schools in our survey created such documents for students to indicate interest or formally apply to driver education programs; however, each school's form is unique. All schools ask for standard information – the student's name, an email address, and permit number – and some also ask for phone numbers and parents' names and contact information. At least four schools ask for geographic information: Kapolei High School

asks what county the student's permit was issued in; Wai'anāe High School asks for the location where the permit was issued (i.e., Wai'anāe Satellite, Kapolei, Waipahu, other); and Kalāheo and Kea'au high schools ask what school the applicant attends.

Hilo High School's Google Form application is three pages long and includes questions about access to computers and Wi-Fi, requires applicants to commit to 100 percent attendance, and requires a copy of the permit to be uploaded or emailed to the coordinator. Kea'au High School asks what type of phone the student uses (iPhone or Android) and if the student wears glasses or contacts. In addition, in the section where applicants must provide a permit number, Kea'au High School warns, "Inaccurate information can jeopardize your legal standing with the State of Hawai'i." While sounding ominous, it is unclear what "legal standing" means or how it may jeopardize an applicant's standing.

'Aiea High School's website links students to an online form that, once filled out, "puts you on the wait list" from which students are selected using a lottery system. The form asks for email, name, permit number (necessary to complete form), and acknowledgement that no information will be received until the student's name has been selected for an upcoming class.

Kapolei High School's website includes links to an information sheet and syllabus, as well as a contact phone number, and a Google Form to indicate interest.

We note Kalani High School's website includes a link to an application that must be printed and filled out. Kailua High School, which did not offer driver education during our audit, also had a printable application on its website for 2022-2023 school year.

Enrollment procedures are similarly varied. Fifteen schools out of the 27 that responded to our survey offer applications that can be filled out online and submitted through their websites; 10 of those schools accept those applications on a first-come, first-served basis, while 3 of them conduct a lottery to determine how prospective students are selected.

For students who are not accepted into the program, 18 schools of the 27 surveyed maintain a waitlist of students to take a spot if one becomes available. Maintaining a waitlist is a department requirement, one that DOE does not provide any guidance on and also does not enforce. While waitlists could be used to understand the demand for driver education across the state, we were informed by DOE that they are not used to plan for the following year because a school's enrollment capacity is not fixed. The number of driver education classes can – and does – vary from year to year depending on the availability of instructors and whether the principal supports driver education instruction at his or her high school.

Doing It “Old School”

SOME HIGH SCHOOLS lack the technology, support, and personnel that would allow them to provide enrollment information beyond their high school via a school website. Often, word of mouth in their communities is the primary means of providing enrollment information. High schools that are unable to use an application like Google Forms to create a virtual waitlist must receive information the “old school way.” Some driver education coordinators will take phone calls and emails from students and parents which they will later record on a spreadsheet. In some cases, only paper applications are available at high schools or interested parents and students can only receive an application after requesting one from a high school driver education coordinator via email.

Konawaena High School's process for signing up for driver education is through a document located in the school's front office. Pearl City High School, which only includes contact information for the driver education coordinator on its website, requires students to submit their applications via email or in person.

The coordinator at Roosevelt High School said that driver education information was disseminated via email and the school's website. However, using the website's search function, we found only a series of school bulletins that describe application procedures for classes. The bulletins contain a link to a PDF of an application, which is

submitted to the driver education coordinator on campus, along with a copy of the student's driver's permit. Applications are also available in the coordinator's classroom.

According to the coordinator, the capacity of a class is 14 students as the classroom portion is offered virtually by another teacher who teaches driver education at multiple DOE high schools; about 50 to 60 students apply per session. The coordinator and another driver education teacher provide the behind-the-wheel portion of the class. At the close of the application period, the coordinator will compile a list of the prospective students and then select the new class “old school,” cutting up the list, placing the slips of paper with student names in a container, and drawing them randomly. She will then post the roster of students on her classroom door, which Roosevelt students are responsible for checking.

The coordinator emails the results of the drawing to applicants who do not attend Roosevelt High School. She is uncertain how these students learned about the school's driver education program in the first place but assumes it is through the website since she doesn't advertise to private schools.

The coordinator does not maintain a waitlist. She explained that students can always apply for the next session, and she will recycle their applications.

Neighbor islands are disproportionately affected by the shortage of certified driver education instructors.

We found that availability of driver education classes across the islands is uneven. DOE principals and driver education coordinators from rural and remote neighbor island communities said their students, especially those who cannot afford commercial driver education instruction, have few options beyond DOE courses, a concern raised by legislators requesting this audit. Commercial driving school options are limited in such areas, and fees for commercial courses may be cost prohibitive. As noted, the same instruction offered for \$10 at a DOE high school can cost as much as \$550 at a commercial driving school.

Neighbor islands have significantly fewer DOE instructors to meet demand in their communities, if they have any at all. During our audit period, Lānaʻi had no instructors, Molokaʻi had one instructor, Maui had two instructors, and Kauaʻi had four instructors; Lānaʻi had to rely on teachers from Oʻahu to provide both classroom and behind-the-wheel instruction. On Maui, DOE only offered behind-the-wheel driver education through Maui High School; the classroom component was offered virtually by an instructor on another island. The process required to issue student completion certificates imposed by the DOT Highway Safety Specialist forced DOE to fly an instructor to Maui strictly to meet with students and issue classroom certificates in person.

Of the 20 DOE driver education instructors on Hawaiʻi Island, many often encounter geographic issues their Oʻahu counterparts do not have to contend with. One instructor noted that finding behind-the-wheel practice routes that meet the driver education curriculum requirements in rural communities might require driving to another town – one with a stop light, for instance. An instructor who provides behind-the-wheel instruction to students at multiple Hawaiʻi Island high schools described logistical difficulties driving from one school to another.

As the introducer of House Concurrent Resolution No. 125 (2022 Regular Session) stated, “We need equal access; when the Legislature first passed that law, we wanted to have more educated drivers. But now, people just wait it out and they start driving later [after they turn 18], which is the opposite of what I think we wanted.”

In the past, DOE estimated the program’s effectiveness through student enrollment in high school driver education as a percentage of DOE’s students eligible to take driver education; in 2022, DOE provided driver education to 3,593 students, representing approximately 11 percent of public school students aged 15-18. Currently, DOE measures the effectiveness of the program’s fund – not the program itself – simply by comparing the number of teens who pass the driver education course with the total number of teens enrolled in the course – a measure which bypasses or ignores the issue of course supply and availability altogether.

Without being able to anticipate or forecast demand, DOE cannot meet its statutory mandate to employ “necessary instructors,” who must be certified to have satisfactorily

Who You Know

ON JUNE 5, 2024, the DOT’s Highway Safety Specialist, who is in charge of administering DOT’s portion of the driver education program, received a complaint from a parent of current and former Punahou School students. The parent claimed that she knew of at least 10 Punahou students who had received driver education certificates from a Radford High School instructor. When the parent tried to contact the instructor about admission into the driver education program for her children, she did not receive a reply. The parent subsequently learned that Radford High School only offers driver education classes during the school day. According to the DOE Program Manager, driver education instruction offered during the school day is a for-credit elective and restricted to students enrolled at the school. The parent named two Punahou students that she knew had recently received their driver education certificates through Radford High School and urged the department to investigate.

Both DOT and DOE investigated. DOE found multiple violations of its policies, confirming that the students were not students at Radford High School and shouldn’t have been allowed to take classes through the school. Both students were enrolled for driver education at Radford High School and were listed in the mileage log as having taken six behind-the-wheel lessons. In addition, the instructor charged DOE for the hours spent on the road with the students and later signed their driver education certificates – all violations of program policy.

DOE later reported to us that the two students in question were siblings and children of “school employees.”

completed an approved instructor's course to conduct driver education courses and behind-the-wheel training. To calculate the number of necessary instructors, DOE would first need to set targets for how many students it intends to teach and how many classes are needed to accommodate them, as well as take into consideration areas where the classes are needed. That policy, however, needs to be developed through rulemaking.

Without a completed program structure and because of the decentralized nature of DOE's driver education program, there are no coordinated recruitment efforts to increase the pool of driver education instructors. Most driver education coordinators rely on word-of-mouth, some noting difficulties in recruiting personnel willing to go through the extensive training required for certification as driver education instructors, as well as commit to the hours necessary to teach in the driver education program.

A Long Haul

Most DOE schools have only one or two instructors, requiring many to also serve as their school's driver education coordinator. The heavy workload makes it difficult to retain such individuals.

RECRUITMENT OF NEW DOE driver education instructors is difficult. The department requires its instructors to be hired by a school principal, be DOT-certified driver education instructors, and meet DOE's qualifications for part-time teachers, which include being approved by DOE's Office of Human Resources. Driver education instructors are mostly full-time DOE teachers or counselors currently employed by the department, retired DOE teachers, or substitute teachers who can meet DOE's standards.

Most DOE schools have only one or two instructors for their driver education programs, requiring many of them to also serve as their school's driver education coordinator. In addition to teaching driver education, instructors who double as coordinators also register students, schedule classes, recruit driver education instructors, maintain DOE driver education cars, and supervise other instructors – with DOE policy capping paid time at 17 hours a week during the school year and 32 hours per week during school breaks.

This can be problematic for DOE instructors in rural areas, especially on Hawai'i Island, who told us their driving lessons tend to be longer than paid driving hours because many skills students need to develop cannot be performed near their high schools. For example, some instructors need to take students to other towns to find traffic lights. Not only are these long rides burdensome, but the extra distance might mean that some of the driving time goes unpaid.

Instructors who also serve as coordinators often take care of administrative tasks after their lessons, extending their day. The heavy workload makes it difficult for DOE to retain such individuals, as many find being the sole instructor too stressful and time consuming. However, when we interviewed coordinators who also provide instruction, we found some felt an obligation to continue serving students; some had recruitment challenges to contend with and worried that their schools would stop providing driver education if they left. Many coordinators expressed that they consider their commitment a service to their students and their communities.

DOE does not understand the need – or the urgency – to adopt administrative rules.

The driver education program is overseen by DOE's Office of Curriculum and Instructional Design. When we interviewed the deputy superintendent who oversees the office, she acknowledged having a limited understanding of the program, admitting to only recently learning that it is a "two-department program." She pointed out that splitting the administration between two departments is unique and told us that her participation in program affairs has largely involved addressing the "differing of opinions" between DOE and DOT about their respective roles and responsibilities. She also identified the absence of such clarifying rules as the cause of the disagreements.

The deputy superintendent was also unaware of DOT's responsibilities or that it had established rules of its own to guide those responsibilities. She questioned whether DOE rules even exist or are appropriate systemwide, pointing out that the department had established the driver education program both as an elective course and an extracurricular activity. Driver education is an "opportunity" for schools to offer instruction, she explained. According to the deputy superintendent, it is not a mandate, so each principal decides whether to offer courses at their school or not.

We pointed out that there is a difference between driver education offered during school hours as an elective course and driver education provided after school hours as an extracurricular activity: An elective is a part of an individual school's curriculum and budget, while after-school driver education is part of a state program, funded by the department. We asked why school principals were afforded the same discretion on whether and how to provide driver education classes when those offerings are supposed to be part of a statewide program.

The deputy superintendent could not answer the question, citing the lack of and need for guidance. She did not appear to be aware or acknowledged that providing such guidance is a DOE responsibility, one that has gone unaddressed for decades. Moreover, contrary to her belief, the department's driver education program *is* indeed a mandate, one that the Legislature found to be "matter of urgency" almost 60 years ago, but the structure of which DOE has yet to complete.

Conclusion

Act 175, SLH 1999, turned DOE driver education from a “nice-to-have” extracurricular activity into a prerequisite for a driver’s license for teens under age 18 to get a license. DOE should have recognized that these fundamental changes starting in 2001 would likely increase demand for driver education at its public high schools. Nevertheless, DOE did not exercise its authority to promulgate administrative rules, something the Legislature had directed the department to do when it established driver education as a DOE program in 1966. As a result, the program remained incomplete, in a “catch-as-catch-can” mode, with program administration being delegated to the individual schools offering driver education.

In essence, there is no single State high-school driver education program; there are 35 different ones.

House Concurrent Resolution No. 125 (2022 Regular Session), which initiated this audit, raises concerns about fair access, noting that many students attempting to enroll in driver education are turned away due to a backlog. The resolution requests that the Auditor assess DOE’s administration of the program, specifically asking us to examine the “backlog of driver education opportunities and programs.”

However, because of the distributed nature of the program, the department cannot estimate the demand for driver education let alone identify and quantify a backlog of students wanting to enroll in a driver education class. Under the current system, such operational issues are identified and addressed on the school level, if they are addressed at all. For instance, we found that some schools maintain waitlists of students wishing to take driver education, a mechanism that could be used to gauge demand. However, many do not maintain waitlists. And how a school uses that waitlist is up to the school.

How is the State’s high-school driver education program performing? Is it moving fast enough or in the right direction?

It depends on whom you ask.

DOE Recommendations

1. DOE should promulgate administrative rules to complete the structure of its driver education program. Those rules should describe the department's policy with respect to driver education in its high schools as well as ensure that the program operates in a consistent, fair, and transparent manner at all public high schools.

Among other things, the rules should include and describe:

- a. The criteria in determining whether to offer driver education at a high school, including whether instruction should be offered as an extracurricular or for-credit course;
 - b. The procedure for an individual under age 19 to enroll in a driver education course at a DOE high school;
 - c. The requirements, including any prerequisites, for an individual under age 19 to be eligible to enroll in a driver education course at a DOE high school;
 - d. The priorities, if any, for enrollment in a driver education course at a DOE high school, including procedures relating to management of waitlists;
 - e. The procedures for an individual to become a driver education instructor in DOE's driver education program; and
 - f. The requirements to be a driver education instructor in DOE's driver education program.
2. DOE should document the roles and responsibilities of the driver education program manager/administrator, high school principals, driver education program coordinators, and driver education instructors.
 3. DOE should document the process to evaluate, no less than annually, the performance of each employee who is involved in DOE's driver education program to ensure that the program is performing as DOE management intends.
 4. DOE should document the process by which it determines the number of driver education instructors that it needs to meet student demand for driver education instruction in total and at each school.
 5. DOE should document the process by which high schools should provide information about driver education to eligible individuals, including students enrolled at the school, students enrolled at other schools, both public and private, and individuals under 19 years of age who may not be attending a public or private high school.

6. DOE should document the requirement that schools maintain a list of eligible individuals who applied to enroll in a driver education course but could not be accommodated because of class size limitations.
7. DOE should develop policies and procedures about the purpose and use of the waitlists.
8. DOE should develop a standard application process that each public high school should use for enrollment in driver education, including a uniform application form as well as the procedure to inform applicants whether they can enroll in a course.
9. DOE should create a website or webpage that includes information about its driver education program, including how to enroll and student eligibility requirements.
10. DOE should report, annually, to the Board of Education on the driver education program, including:
 - a. The public high schools that offered driver education in the past school year;
 - b. The number of courses offered at each school in the past school year;
 - c. The efforts to inform eligible individuals about the opportunity to enroll in driver education in the past school year;
 - d. The number of students who received driver education through DOE's driver education program in the past school year at each school;
 - e. The number of eligible individuals who could not be enrolled in a driver education course because of the lack of capacity in the past school year at each school;
 - f. The number of eligible individuals on each school's waitlist;
 - g. The number of certified DOE driver education instructors in the past school year, including the number of new instructors who were certified for the first time during the school year; and
 - h. The department's efforts to recruit new driver education instructors.

CHAPTER 2

Audit of the Department of Transportation's Driver Education Program

A lack of meaningful management oversight and interest in DOT's driver education program resulted in an unequal certification process for instructors and impeded efforts to expand access to students statewide.

In 1999, the Legislature passed Act 175, requiring drivers under the age of 18 to complete a driver education course "certified by the director of transportation" to be eligible for a driver's license starting in 2001. Before Act 175, SLH 1999, completing a driver education course was optional; however, with formal driver education a requirement for drivers under 18, the Legislature appears to have recognized the need to ensure that instruction was appropriate and standardized and tasked the Department of Transportation (DOT) with creating a suitable program.

That responsibility though is narrow, based on statutory language that is specific and clear: "The director of transportation is directed to establish and certify a statewide driver education program and behind-the-wheel driver training program, to include the number of course hours, curriculum, and certification of teachers and third-party examiners." In contrast to the Department of Education (DOE), which is tasked with establishing requirements for and employing instructors, acquiring and maintaining equipment, including vehicles, and implementing and administering a high school driver education program that provides both classroom and behind-the-wheel instruction, DOT's responsibilities are twofold (1) certify curricula, and (2) certify driver education instructors. However, we found that, after more than 20 years of program operation, DOT has failed to do the former and is grossly mishandling the latter.

We found that management has failed to develop internal controls, including policies and procedures, to guide program performance and apparently lacked interest in the department's legal responsibilities. This inaction and inattention enabled a lower-level Highway Safety Specialist to perform tasks assigned explicitly to the director – without being delegated the authority to do so – and to exercise authority well-beyond that conferred to the department. With no guidance and little, if any, supervision or oversight, the Highway Safety Specialist unilaterally determined the courses – not just the curricula as is the director's responsibility – that master trainers and driver education instructors needed to attend; established requirements for instructors and students ad-hoc, then changed those requirements; and arbitrarily suspended instructors. Instead of the primarily "ministerial"

responsibilities described in the department's administrative rules, which should have been the extent of the Highway Safety Specialist's duties, she also greatly expanded the department's authority over program policy, inserting herself in how DOE teaches driver education and directing county examiners of drivers to reject certain students' driver education completion certificates, for example. The result has been havoc throughout the driver education programs – both DOT and DOE's programs – including unfair, unequal, and haphazard treatment of instructors and students.

Background

The Department of Transportation, led by the DOT Director, consists of the Airports Division, Harbors Division, Highways Division, and Administration Division. DOT's driver education program is under the Motor Vehicle Safety Office, which is part of the department's Highways Division. The Motor Vehicle Safety Office Administrator is responsible for DOT's driver education program. During our audit, the program-related tasks were performed almost entirely by a Highway Safety Specialist, who had done so from 2013 until August 2024 when she abruptly resigned.⁷ The Highway Safety Specialist, whose duties were evenly split between the driver education program and a federally funded court monitoring program, reported to the Motor Vehicle Safety Office Administrator and a Highway Safety Manager.

Starting January 1, 2001, driver's license applicants under the age of 18 have been required to complete formal driver education instruction. As part of that new mandate, DOT was tasked by the Legislature with certain responsibilities to implement the requirement. Specifically, Act 175, enacted in 1999 and codified as Section 286-108.4, HRS, directs the DOT Director "to establish and certify" a driver education program, including the number of course hours, curriculum, and certification of instructors. While the Legislature provided no additional details of the program that the department was to establish, it did instruct the director to promulgate administrative rules necessary to complete the program.

Five years after the driver education requirement took effect, DOT adopted those administrative rules, entitled "Driver Education Program Requirements," to provide the program details about, for instance, the

⁷ The Motor Vehicle Safety Office Administrator told us that the Highway Safety Specialist informed her by email on Tuesday, August 20, 2024, that she had resigned effective two days prior, Sunday, August 18, 2024. According to the Administrator, the Highway Safety Specialist had started her new job at the State Department of Human Services on August 19, 2024, the day before the Highway Safety Specialist provided notice to DOT of her resignation. Although she is no longer involved in DOT's driver education program, because she was employed by DOT for the majority of our audit period, we refer to her as the Highway Safety Specialist in this report.

required student curriculum, including the required number of hours for the classroom and behind-the-wheel instruction, as well as policies regarding online and simulator training. The rules also describe (1) the duties and responsibilities of driver education instructors; (2) the information that applicants must provide to become a certified driver education instructor and to annually renew the instructor certificate; (3) DOT's authority to deny, revoke, suspend, cancel, or terminate an instructor's certificate as well as the instructor's right to cure and appeal those actions; and (4) the process by which curricula is selected for master trainer, instructor, and student education. While a few of those responsibilities require the exercise of discretion, DOT's duties relating to its driver education program are largely ministerial, i.e., issuing instructor certifications and renewing those certifications.

After more than 20 years, DOT has yet to certify any driver education curricula, a foundational requirement for the department to perform its program responsibilities.

In January 2006, DOT adopted administrative rules that the Legislature had instructed the director to establish when creating new DOT responsibilities with respect to driver education in 1999. It is unclear why it took DOT so long to implement its rules, and how the department was able to perform its responsibilities without them; however, it is clear that the department has taken little, if any, action required by those rules since.

Among other things, the rules establish the curricula for the program, requiring the DOT Director to certify the curricula for master trainer, instructor, and student courses. For the instructor and student courses, that certification process starts with the director appointing separate task forces to first establish minimum requirements for the curricula and then recommend certification of those curricula.⁸ The task forces must be composed of representatives from DOE and DOT, public school and commercial driving instructors, and a county examiner of drivers. The department must review the instructor and student curricula every five years to ensure that the curricula continue to be relevant.

The DOT Director told us that he has never formed the required student and instructor curricula task forces. This is not a minor oversight – while the DOT Director is responsible for certifying the approved curricula for instructor and student courses, the director does so based on the task forces' recommendations. This stakeholder input is vital to establishing consensus as to how and what information students should be taught, including the traffic laws, requirements, and conditions that may be unique to Hawai'i.

⁸ The rules do not require the director to convene a task force for the master trainer course curricula.

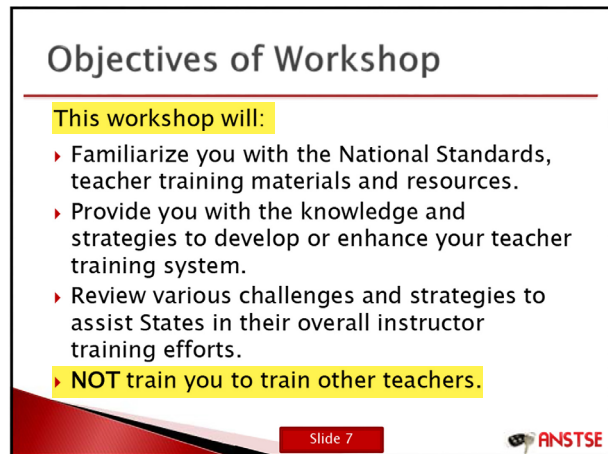
More significantly, the director also told us that he has not certified any driver education course curricula – not the student curriculum; not the instructor curriculum; and not the master trainer curriculum. The curricula are fundamental to and necessary for the department to perform its primary responsibility of certifying instructors and ensure that students receive appropriate driver education instruction. Without any certified course curricula, DOT cannot fully comply with other legal requirements, such as issuing certificates to driver education instructors who have “successfully completed a training class certified or subsequently certified by the department.” Instructors must be certified by the department to teach driver education as well as to issue certificates of completion to their students who successfully complete the classroom and behind-the-wheel training, which curricula the director is also responsible to certify.

The absence of DOT-certified curricula emboldened the Highway Safety Specialist to impose and enforce her own educational requirements for master trainers and new instructors.

To fill the void created by the DOT Director's failure to certify any curricula, the Highway Safety Specialist approved curricula for students and instructors and imposed requirements master trainers and instructors had to complete. As concerning, her decisions approving curricula created a separate process, unauthorized by – and in conflict with – the process required in the administrative rules for approving curricula, were never approved by her superiors. Her procedures removed the approval process from scrutiny and substituted her unilateral discretion for the legally required deliberation of the task force and the decision of the director. Further, because of the ad hoc nature of her decisions, the Highway Safety Specialist could change them as she wished whenever she wished which she did.

The DOT Director told us that he had not delegated his responsibility to certify any curriculum to the Highway Safety Specialist or anyone else; he told us that the Highway Safety Specialist was not authorized to decide the curricula – or the courses – for the master trainers, instructors, or students. While the DOT Director and Motor Vehicle Safety Office Administrator agreed that the Highway Safety Specialist had no authority to approve curricula, the specialist continued to do so. And she was able to assert that discretion, virtually unchallenged, by the administrator or anyone else.

We found the Highway Safety Specialist certified an instructor as a master trainer after she and that instructor attended a Driver Education Teacher Training refresher course sponsored by the Association of National Stakeholders in Traffic Safety Education (ANSTSE) in Oregon. That course, however, was not for master trainers or otherwise intended



Source: Association of National Stakeholders in Traffic Safety Education

Although a slide from ANSTSE's Driver Education Training Workshop clearly stated, "This workshop will ... NOT train you to train other teachers," the Highway Safety Specialist considered the training sufficient to certify an individual who, for a time, would be the only master trainer in Hawai'i who met the specialist's requirements.

to develop the competencies to be a master trainer; according to the American Driver & Traffic Safety Education Association (ADTSEA), the week-long course provided an overview of the ANSTSE teacher training system.

It is unclear whether that course met standards for master trainer curricula required by DOT's rules; it seems unlikely that a week-long course could meet the requirements the Highway Safety Specialist created on her own, which mandate "153 contact hours." Nevertheless, the Highway Safety Specialist later certified two more instructors to be master trainers after they received instruction from the master trainer who the Highway Safety Specialist had previously certified. It is again unclear what curriculum was used to train the two, whether it was the same ANSTSE overview or other material; it is also unclear whether the curriculum met the required national standards or was even appropriate to qualify them to train instructors.

Similarly, it is unclear how the Highway Safety Specialist selected the courses that instructor applicants needed to complete or the curricula for the classroom and behind-the-wheel student courses. Her selection process, including the criteria that she used, was undocumented and, when asked to describe that process, unclear. However, even based on the Highway Safety Specialist's often confusing, contradictory, and changing responses to our questions, we determined that the curriculum used for student instruction did not include all the required "instructional

With such a resource readily available, we question why it was not incorporated in the course curriculum to allay the specialist's concerns that instructors were skipping over Hawai'i-specific traffic laws.

elements.” The administrative rules contain a list of the skills that, at a minimum, the curricula for instructor and student courses must contain. One of the required “instructional elements” of the student course curriculum is students “are able to understand the basic laws and rules of the road, Hawai‘i’s traffic laws, and their liability as drivers.”

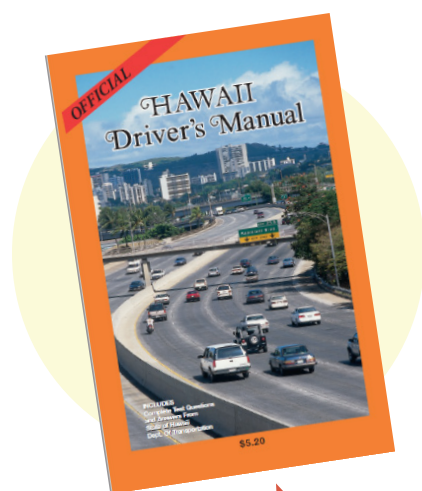
DOT did not supplement the required curricula with Hawai‘i-specific information, despite the Highway Safety Specialist’s unsupported claims that instructors were not teaching state laws.

According to the Highway Safety Specialist, Hawai‘i uses the American Automobile Association (AAA) “How to Drive” student curriculum, endorsed by ADTSEA. “This is the bible, the curriculum guidelines,” she said. The instructor guide for that student curriculum, however, expressly states, “This curriculum is not designed to accomplish all of the training and information a State may wish to provide their new driver education instructors. This material should be supplemented by State material and information.”

When asked if DOT had developed supplementary materials on Hawai‘i-specific laws, the Highway Safety Specialist said instructors were responsible for looking up that information themselves. A glance at a sample chapter of the AAA textbook indicates that students may be asked to look up some state laws as part of class exercises; an exercise on laws regarding the use of phones while driving instructs students to conduct live web searches for relevant state laws and report on the legal aspects they encounter. The Highway Safety Specialist, however, told us teachers were not teaching state laws.

Her assertion was based on limited monitoring: “Like it says to teach [Hawai‘i traffic laws], but they skip over it because it says, ‘insert state law here.’” In her assessment, “maybe only 5 percent was teaching the state law.” Her solution was to provide access to DOT workshops that brought in representatives from law enforcement, the county division of motor vehicles (DMV), and Smart Start, an ignition interlock device provider, for instance; however, those workshops were voluntary and did nothing to ensure all Hawai‘i state traffic laws were included in the statewide student curriculum. The administrative rules for the instructor course curriculum contains a similar requirement to include state-specific content: “All curricula shall contain specific information on the Hawai‘i Motor Vehicle Code.”

We note that DOT’s Motor Vehicle Safety Office produces the orange-bordered Hawai‘i Driver’s Manual that is widely available to those preparing to take the written test for a learner’s permit. It includes a chapter on “Traffic Laws, Ordinances, Rules, and Regulations.” With such a resource readily available, we question why it was not



incorporated in the course curriculum to allay the specialist's concerns that instructors were skipping over Hawai'i-specific traffic laws. We further note that the outline for the course approved by the Highway Safety Specialist to train driver education instructors lists four required texts, all of which are produced by national organizations, with no state-specific materials mentioned.

In December 2022, the Highway Safety Specialist required all instructors to attend a Mandatory Foundations Workshop "to keep their certifications active"; at least four instructors who missed the workshop were suspended until they could attend a makeup session about three months later. When asked what was covered in this workshop, a presenter (one of the master trainers certified by the Highway Safety Specialist) said it would go over reminders, explain how DOT does things, and cover the administrative rules and how to follow them. Those classes, however, seemed to be geared toward DOT requirements instructors must meet to renew their certifications rather than Hawai'i motor vehicle laws the instructors must teach. Moreover, it is unclear how – or whether – information about any new traffic laws is added to course curricula. While we do not know how – or whether – the Highway Safety Specialist confirmed that the new laws were included in the curricula, we do know she could not provide documentation to show that she ever did so.

While we did not assess the curricula that was (or is being) used for any of the courses, we are compelled to note the potential risk of instructors providing inappropriate, insufficient, and outdated instruction to students about traffic safety and current state traffic laws, among other things. That risk, if it occurs, can result in significant harm to the student drivers and their passengers, other drivers, and pedestrians, which is precisely the risk that driver education is intended to mitigate.

The Highway Safety Specialist greatly exceeded her authority by inventing, imposing, and enforcing requirements that impacted instructors and students.

While certifying curricula requires the DOT Director to exercise discretion, the rest of DOT's responsibilities under both Section 286-108.4, HRS, and the associated administrative rules are largely ministerial: the department issues and renews driver education instructor certificates. Yet, we found the Highway Safety Specialist had greatly expanded the department's driver education program, unilaterally creating authority and other requirements that were well-beyond DOT's responsibilities. We also found that she often acted arbitrarily, applying her self-established requirements inconsistently and unfairly. We list below a number of the more concerning actions by the Highway Safety Specialist, all of which apparently were unknown to the Motor Vehicle Safety Office Administrator or other management personnel until we informed them.

Who Can Train Driver Education Instructors in the State?

PRIOR TO ABOUT 2022, public school teachers interested in becoming driver education instructors were trained by the Department of Education. According to the DOE Program Manager, courses taught by DOE were conducted over school breaks including the summer months. DOE had paid to train and evaluate multiple individuals to teach instructor training courses.

DOE's responsibility to train those providing driver education instruction in its high schools did not change with the Legislature's creation of DOT's driver education program. Section 302A-414, HRS, states DOE "shall be responsible for conducting approved courses for instructors in driver education and training" and "shall certify any person who satisfactorily completes a course for instructors in driver education and training." Despite DOE's statutory authority to train its own instructors, the Highway Safety Specialist insisted she ran the entire driver education program in Hawai'i, which she referred to as "one team."

A. CERTIFYING THE MASTER TRAINERS

As we described above, the law directs the DOT Director to "certify the *curricula* for a [master] trainer course;" however, in contrast to the director's responsibility to issue a certificate to instructors who complete their training, the department's rules do not include a similar requirement to certify master trainers (e.g., teachers certified to teach applicants wishing to become driving education instructors). The Highway Safety Specialist, though, decided to create her own requirement. By requiring instructors to complete courses taught only by the individuals she had certified to be master trainers, the Highway Safety Specialist effectively barred others from training instructors. And, of greater concern to the program, her actions effectively limited the number of certified instructors by restricting the training opportunities; her actions also seem to have unfairly benefited the three individuals who she had certified to be master trainers, one with whom she had some personal relationship – we were told that one of the master trainers was her boyfriend and property records show the pair co-own a residential property purchased in 2023. **(See "Along for the Ride" on page 41.)** Furthermore, we found that DOE had 11 employees who were previously authorized to train DOE driver education instructors; the Highway Safety Specialist, however, refused to certify *any* of those master trainers, forcing DOE to pay the Highway Safety Specialist's designated master trainers to train four DOE instructor candidates in FY2024 – at a cost of \$1,897.20 per pupil.

B. INTERFERENCE WITH DOE INSTRUCTION

DOT certifies the driver education curriculum that DOE instructors must teach, which is the extent of DOT's legal authority over instruction. But the Highway Safety Specialist, believing driver education "should be one program under DOT," interfered with how DOE instructors taught the curriculum.

We found that the Highway Safety Specialist restricted the size of virtual classes, frustrating DOE's efforts to reduce the backlog that had been exacerbated by pandemic restrictions imposed during the 2020-2021 school year.⁹ That school year, the Highway Safety Specialist capped in-person classes at 10 students and also introduced virtual classes limited to 14 students. When in-person classes returned to regular capacity, the Highway Safety Specialist refused to lift the cap on virtual class size, denying DOE's request to increase capacity to

⁹ DOT can certify online or internet curriculum provided that the provider of the online or internet driver education courses has appropriate procedures to validate student identity when course work is being performed. DOT, however, has not certified any online or internet driver education curriculum, which means that students cannot complete online or internet courses to satisfy the classroom instruction requirements. The virtual classes refer to real-time instruction by a certified instructor who is physically located at a location different from that where the student is attending the class.

25 students to help increase availability, and disregarding guidance from ADTSEA that set the maximum size of a virtual class at 30 students.

Furthermore, while virtual classes allowed students to enroll in courses taught on other islands, the Highway Safety Specialist required instructors to have students sign certificates of completion in their presence, which required instructors to fly to those islands. There is no legal requirement for instructors to meet students in person to sign certificates, and more significantly, DOT's authority does not extend to the issuance of student completion certificates. DOT's administrative rules clearly place the duty to issue those certificates on the instructor. The specialist's unauthorized mandates increased the cost of DOE's efforts to reach more students on neighbor islands.

The Highway Safety Specialist also decided that, if a DOE instructor was unable to complete the entire course, whether for sickness or some other reason, DOE could not have another certified instructor complete the instruction; she directed that students must retake the *entire* course. In one instance, an instructor was suspended for missing a certification renewal deadline, which led the Highway Safety Specialist to cancel every student certificate the instructor had issued, even those signed when the instructor's certification was current. In another instance, to assist students whose certificates had been invalidated, the driver education coordinator and another driver education instructor reviewed the student logs and required students to demonstrate their driving skills through additional behind-the-wheel sessions, then they issued new certificates. The Highway Safety Specialist declared these new certificates also invalid.

Under the plain language of both Section 286-108.4, HRS, and the administrative rules, DOT has no responsibility or authority to direct how courses are taught by DOE instructors or at commercial driving schools. With respect to classroom and behind-the-wheel instruction, DOT's *sole* duty is to certify the course curricula. DOT is not responsible for – and has no authority over – how the curriculum is taught, including the size of in-person or virtual classes; DOT has no authority to control whether DOE or a commercial driving school substitutes certified instructors during the course of instruction. The *instructors* are responsible for providing the required instruction, i.e., ensuring that students successfully complete the classroom and behind-the-wheel courses, and issuing the driver education student completion certificates. Based on existing administrative rules, the department's authority is limited to “monitoring” instruction to ensure that the certified curriculum is being taught.

Along for the Ride

When DOT's three master trainers were asked to provide their credentials, two of them submitted certificates that were signed by the third, who couldn't provide any credentials of her own.

WHILE THE HIGHWAY SAFETY SPECIALIST added additional requirements for DOE master trainers to retain their certification, it is unclear what requirements – if any – she established for the three master trainers she installed in 2022. As previously noted, on July 1, 2021, the Highway Safety Specialist announced that the program was adopting the latest driver education curricula endorsed by the American Automobile Association and the American Driver & Traffic Safety Education Association (ADTSEA). When we requested the credentials for its master trainers, DOE provided a September 12, 2024 letter from ADTSEA's executive director, announcing that seven DOE driver education instructors had successfully completed the organization's instructor mentor training, which qualified them to teach driver education instructor candidates. The letter identified the seven DOE instructors and the hours of training they had completed.

However, the three master trainers who the Highway Safety Specialist had credentialed did not provide similar confirmation of appropriate training. Instead, two of the master trainers submitted "Certificates of Completion," both issued on March 21, 2023 and signed by the third master trainer. The certificates appeared to be issued by DOT, since they prominently feature the department's insignia; however, the certificate's signer is not affiliated with DOT. She is a DOE teacher and driver education instructor, who was investigated in 2024 by the DOT and DOE. (See "Who You Know" on page 19.)

When asked to provide her credentials to train other master trainers and driver education instructors, the DOE teacher responded that she had attended a workshop with the Highway Safety Specialist at Western Oregon University. Upon review of the materials from this 2019 workshop, we found that the seminar familiarized attendees with national standards, teaching materials, and resources, but the objectives explicitly state that the workshop will "not train you to train other teachers." (See slide from ANSTSE's Driver Education Training Workshop on page 29.) According to the Highway



Source: DOT Instructor file folder

Although it prominently featured a DOT insignia, the certificate signer is not affiliated with the department.

Safety Specialist, she was invited by ADTSEA in her role as a program administrator. She took the DOE teacher as her guest.

We also learned that the Highway Safety Specialist had a personal relationship with one of the other DOT master trainers, the pair having purchased a home together in 2023. In addition, the Highway Safety Specialist runs a non-profit volleyball club, and this master trainer was listed as a coach on the volleyball club's website, his driving school had previously sponsored the club, and had been advertised in the club's social media.

When we reviewed the master trainer's instructor certificate renewal file, we found that he had submitted his 2022 annual renewal documents late, and we did not find renewal documents for 2023. However, unlike DOE master trainers and instructors, we found no evidence in the file that he had been suspended or faced any corrective action. Instead, we found a copy of a letter that renewed the master trainer's driver education instructor certificate for one year, until April 1, 2025. The letter was sent to the address of the property that he shares with the Highway Safety Specialist.

C. RENEWING INSTRUCTORS' CERTIFICATION

DOT's administrative rules state it is the instructor's responsibility to initiate the renewal process. They also allow DOT to suspend instructors for failure to comply with requirements in the rules. Accordingly, the Highway Safety Specialist suspended instructors who allowed their certification to lapse – but not all the time.

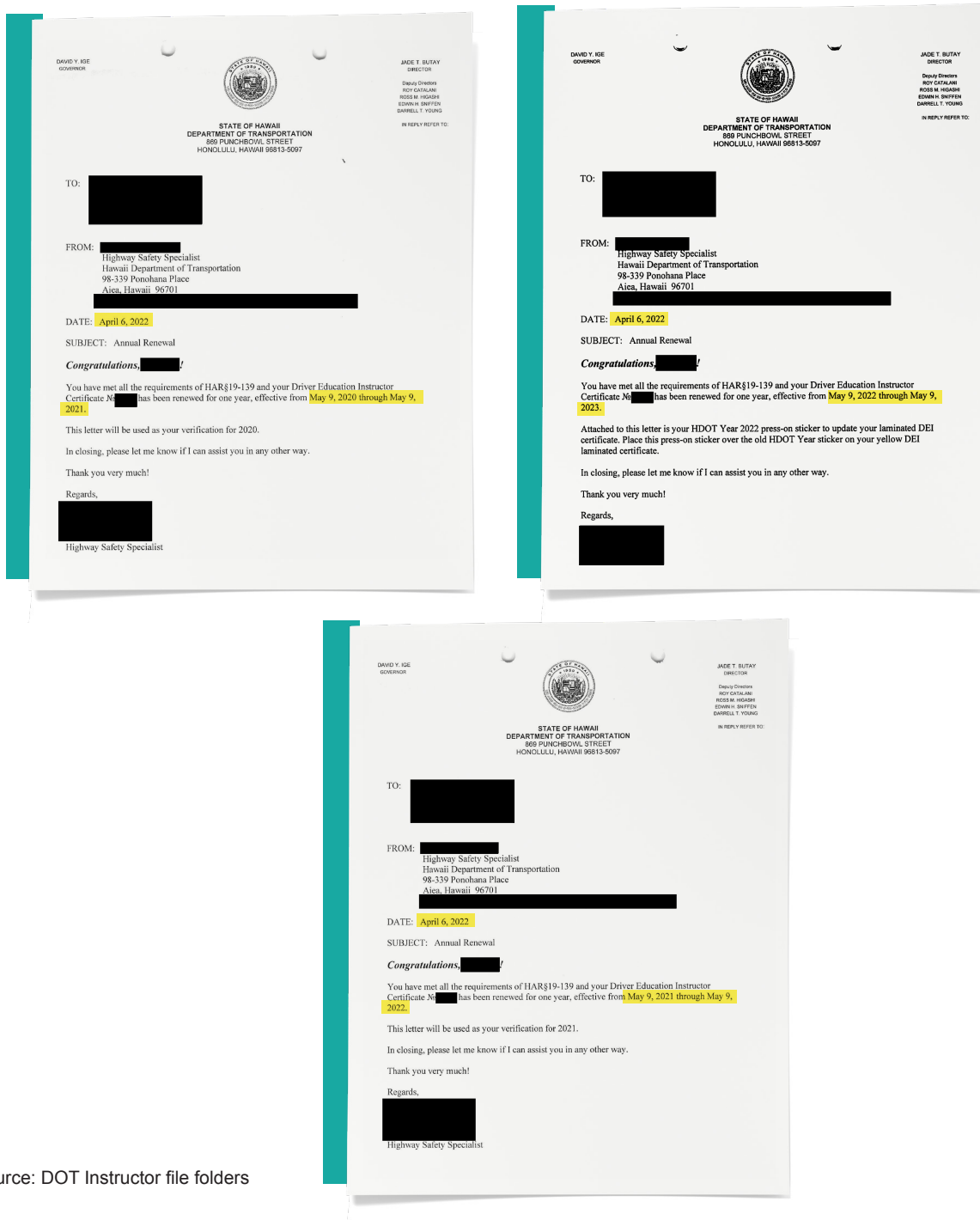
During our audit, the Highway Safety Specialist had sole responsibility for processing renewal applications, with all decision-making left to her discretion. We found this led to arbitrary, inconsistent, and unfair treatment of renewal applications. The specialist suspended some instructors for late renewal applications and missing paperwork “effectively immediately,” yet granted leniency to others. For example, seven instructors were directed to provide missing required documents *after* the Highway Safety Specialist approved their renewals, in contrast to the instructors who were suspended immediately for late submissions. Moreover, while four instructors did not submit annual renewals in 2023, only two of those instructors were suspended.

To illustrate, in July 2021, the specialist sent an annual renewal sticker to an instructor, attaching it to a letter congratulating the instructor for meeting all certification requirements. However, the letter also stated, “SEND ME YOUR GENERAL LIABILITY INSURANCE AND TAX CLEARANCE,” seemingly indicating the instructor had not fulfilled all the requirements for renewal after all. Moreover, the letter was dated July 31, 2021, while the renewal was effective September 23, 2020, through September 23, 2021, which suggests the instructor's certification had lapsed for *nearly 10 months* before it was renewed, and then without a complete application.

Conversely, in March 2024, we interviewed a DOE instructor who had been suspended, effective immediately, for failing to renew his certificate the previous week despite submitting his five-year renewal about four months earlier, in November 2023. Although the DOE Program Manager provided the Highway Safety Specialist with information that confirmed the documents had been submitted, the instructor's classes were still on hold. “[As directed by the Highway Safety Specialist] I have canceled all my drive lessons this week,” he said, noting students, parents, and administrators were irate. He also explained how he understood the suspension impacted his past and present students: “As of right now, my instructor certificate is suspended, meaning every certificate that I have issued, even the certificates I've issued while I was still in good standing, are also currently suspended, not allowing my students to go take a road test.”

Acting Retroactively

On April 5, 2022, a commercial instructor emailed the Highway Safety Specialist because one of her students had been turned away by DMV. In response, the specialist asked the instructor to submit an “annual summary sheet for 2022.” We do not know what “annual summary sheet” refers to or if one was submitted, but we know the issue was resolved the following day. On April 6, 2022, the specialist mailed the instructor three different letters of congratulations for meeting annual certification requirements in 2020, 2021, and 2022, respectively.



Source: DOT Instructor file folders

D. SUSPENSIONS AND CURES

DOT can “revoke, suspend, cancel, or terminate” an instructor’s certificate under certain specific circumstances, which are described in the department’s administrative rules. Those circumstances include an instructor’s failure to comply with requirements in the rules, falsification of any records or information, and driver license suspension or revocation, among other things. We found that the Highway Safety Specialist unilaterally suspended instructors for many other reasons beyond those identified in rules. For instance, instructors were suspended or required to take refresher classes for minor errors on student certificates – such as a missing part of a student’s name – which is not one of the circumstances that allow the department to revoke, suspend, cancel, or terminate the instructor’s certification.

Another instructor missed a workshop on December 10, 2022 that the Highway Safety Specialist had declared was mandatory and was put on suspension until attending a makeup session on February 25, 2023; the instructor’s certification was reactivated on March 9, 2023. DOT’s administrative rules state that instructors must participate in professional development courses, workshops, and seminars, but instructors are only legally required to complete one professional development course approved by DOT every five years. Requiring instructors to attend specific trainings at specific times as a condition of continued certification is beyond DOT’s authority, yet the specialist appears to have suspended at least four additional instructors for missing the December 10, 2022 workshop.

Although the Motor Vehicle Safety Office Administrator told us that DOT allows due process when action is taken against an instructor’s certification, we found that was not the case. We found the Highway Safety Specialist often suspended instructors, “effective immediately,” without prior notice and an opportunity to respond that, generally, are requirements of due process. Further, we found that, although DOT’s administrative rules allow a 30-day time period for instructors to correct deficiencies after receiving notice, the Highway Safety Specialist either misunderstood or disregarded a provision providing an instructor can cure the circumstance that the department believes supports revoking, suspending, cancelling, or terminating the instructor’s certification. The DOE instructor who had been suspended despite submitting his renewal before the expiration of his certification, received an email notifying him, “Your certification has been placed on suspension and you are currently not able to instruct effective immediately,” which did not include a notice for an official appeal allowed by the administrative rules. It also did not mention any means to cure the deficiency other than completing a \$200 refresher course taught by the three master trainers designated by the Highway Safety Specialist.

The DOE instructor had also been suspended a year earlier after missing a renewal deadline while on sabbatical. He was required to take a refresher course from the designated trainers at a cost of \$200. He said he would not mind paying a fine for turning his documentation in late, but attending the “remedial” course “offered no value other than just how much they were just telling me to be on time with [my] paperwork. You know, give me a finger wag and I’ll pay [the] punishment.” But, DOT is not authorized to fine instructors, which is what the course fee amounted to.

When we spoke with the Motor Vehicle Safety Office Administrator in October 2024, she was under the impression that the refresher classes were free. She also believed the three trainers selected by the Highway Safety Specialist to teach the refresher courses were certified by the Highway Safety Specialist to do master trainer instruction. We found they had no such certification.

The Motor Vehicle Safety Office Administrator informed us that the department had since taken away the Highway Safety Specialist’s authority to suspend instructors’ certificates after the department received complaints and after seeing inconsistencies in the specialist’s work. The Highway Safety Specialist was informed that all such decisions needed to go through the DOT Director. The Motor Vehicle Safety Office Administrator couldn’t recall when the Highway Safety Specialist was informed of this, but she believed it had been more than a year earlier. However, as previously reported, we interviewed an instructor who told us that he had been suspended by the Highway Safety Specialist in March 2024.

DOT’s rules also allow aggrieved instructors who did not timely cure the deficiency to request an administrative review, but the Highway Safety Specialist said she was given no guidance from her supervisors or the Department of the Attorney General on the process when a terminated instructor requested a contested case hearing in May 2023. **(See “Making up the Rules” on page 42.)** “[DOT] administration should have coordinated [it] themselves,” she said. The hearing ultimately held in October 2023 was flawed. Among other things, the hearing was led by the Highway Safety Specialist, who had previously written an investigative report that was the basis for the hearing and who, in addition, refused to be called as a witness, turning the hearing into a pointless exercise. The DOT Director ended the suspension the following month, without explanation.

The department’s lack of interest in and awareness of its driver education program responsibilities enabled a lower-level Highway Safety Specialist to fill the management void.

According to the Highway Safety Specialist, DOT had “nothing in place” when she started her job with the driver education program in 2013, and DOT and DOE were operating their programs separately. In her view, driver education should be one program under DOT, and we found that between 2018 and 2024, she unilaterally established policies for driver education as if it were a single program. The Highway Safety Specialist imposed her will on DOE and arbitrarily changed policies when she wished, causing havoc throughout both DOT and DOE’s programs.

For instance, on July 12, 2021, the Highway Safety Specialist sent an email to all driver education instructors, informing them that the program was adopting the latest driver education curricula endorsed by the American Automobile Association and the American Driver & Traffic Safety Education Association (ADTSEA). Neither the Motor Vehicle Safety Office Administrator, the Highway Safety Specialist’s supervisor, nor the DOT Director, who is supposed to certify program curricula, were included in the email. They appear not to have been aware of the Highway Safety Specialist’s curricula decision or the decision-making process behind it. In any case, under DOT rules, the Highway Safety Specialist is not empowered to select and approve program curricula; that responsibility lies with the director, who confirmed that he had not delegated any of his authority to the specialist to do so. None of the three – including the Highway Safety Specialist – appear to have even been aware of the process for certifying program curricula outlined in the department’s administrative rules.

In addition, on February 3, 2022, the Highway Safety Specialist added additional requirements for DOE master trainers to retain their certification. For instance, the Highway Safety Specialist imposed a requirement that all master trainers offer instruction statewide to applicants who intend to teach under DOE’s driver education program as well as those intending to work at commercial driving schools. The State Ethics Code, however, prohibits state employees from using state resources and equipment, like the DOE driver education cars, for commercial activities.

A little more than a month later, DOE testified before the Legislature that it had lost 10 of its 11 master trainers as a result of Highway Safety Specialist’s new requirements for master trainers. DOE would lose its last master trainer when he was disqualified by the Highway Safety Specialist as recommended by the two master trainers designated by the specialist to assess him. When the DOE master trainer asked for

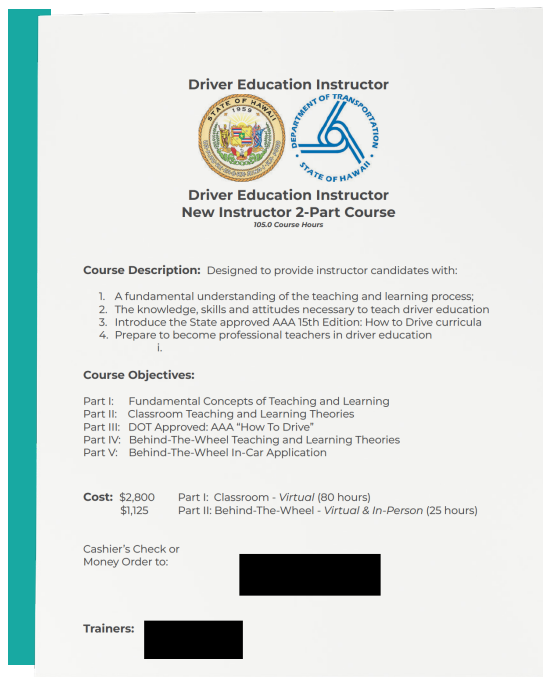
clarification about his disqualification, he was informed by one of the master trainers that she had verbally explained to him that he did not meet minimum qualifications, adding, "There is no other information or material necessary to share or resend to you as you have not met the minimum requirements to move forward with the train the trainer [master trainer] program." We note that the DOE master trainer had decades of experience and had been selected by ADTSEA to serve on a national committee on instructor qualifications.

DOE instructors and coordinators, as well as master trainers, were impacted by new requirements that did not distinguish between DOE-employed driver education personnel and those who own or teach at commercial driving schools. DOE instructors, coordinators, and master trainers were held to requirements more appropriate for business owners and independent contractors. For example, they were required to obtain tax clearances even though they are DOE employees and, as such, are not subject to General Excise Tax on their income; they were also required to provide certificates of general liability insurance in the sum of \$1 million despite being DOE employees providing instruction as part of the department's driver education program.

The Highway Safety Specialist had been told that all corrective actions must be reviewed by the Motor Vehicle Safety Office Administrator, who oversees the program, and the DOT Director; however, the Motor Vehicle Safety Office Administrator learned about the disqualification of the last DOE master trainer from us, not the Highway Safety Specialist.

The requirements created and imposed on master trainers by the Highway Safety Specialist resulted in depleting and eventually eliminating all the DOE master trainers, leaving only three master trainers statewide. Those master trainers were selected by the Highway Safety Specialist in 2022. With only three master trainers, the availability of new instructor training became limited and the cost of the courses increased. DOE master trainers had been able to accommodate three times as many instructor candidates per class as the three remaining master trainers, who limited their classes to four students. In 2024, a master trainer charged DOE nearly \$7,600 to train four new instructors. DOE planned to enroll 6 more candidate instructors in July and September; however, the same master trainer decided to train commercial candidates who would pay more.

The Highway Safety Specialist said the three master trainers had been "running" the master training program since 2022, when she "took over" after declaring DOE's internal instructor training program to be a "free for all." The Highway Safety Specialist suggested that the three master trainers had some sort of contract with DOT, one that did not involve payment. The trainers advertised their courses on flyers that

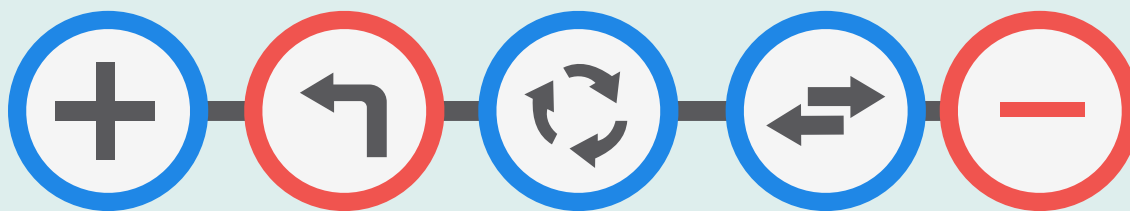


Source: Department of Education

Information about a New Instructor course sent by a trainer designated by the Highway Safety Specialist to DOE included the State seal and DOT insignia.

included the State seal and DOT insignia, giving the appearance that these courses were offered or connected to the department; however, the DOT Director told us that the three individuals were not and had never been a part of the department and were not authorized by the director to use the State seal or DOT insignia. DOT could not provide us evidence on how – or if – the three master trainers received appropriate training.

DOT management was made aware of problems with the Highway Safety Specialist's new requirements in a 2022 meeting with DOE, as well as in public testimony relating to the resolution requesting this audit, but still failed to meaningfully supervise and monitor the Highway Safety Specialist's activities. The Motor Vehicle Safety Office Administrator's attempts to implement controls – such as requiring the Highway Safety Specialist to obtain approval before sending out policy changes and to check in before leaving for the day – were disregarded, seemingly without consequence. However, we question why the Highway Safety Specialist, whose duties are largely clerical, was allowed to establish and enforce program policy in the first place.



Making Up the Rules

The Highway Safety Specialist imposed various policies and practices either not authorized by the DOT administrative rules or based on questionable interpretations of them.

IN JANUARY 2023, a Hilo High School student arrived for a road test, presented two certificates verifying she had completed the State's driver education requirements, and was sent away, told her certificates were no good. The student had done nothing wrong; she had dutifully completed a driver education course taught by a DOT-certified instructor. But her driver education instructor's certification was later suspended, which led to a referral to a paid refresher course and, most significantly, a hold on every student certificate the instructor had issued – which is why the student was denied a road test.

It didn't matter that the instructor's certificate had been current when he signed the student's certificates; the Highway Safety Specialist had instructed DMV to invalidate them all. And it didn't matter that the Highway Safety Specialist had no authority to cancel student certificates. The Highway Safety Specialist was apparently not aware of her overreach, nor for that matter, were her direct supervisor or others in management.

What followed was a drawn-out ordeal for the Hilo High School driver education program coordinator. She, along with another driver education instructor, tried to help the suspended instructor's students, offering them an opportunity to demonstrate their skills by attending a class with another certified instructor and an hourlong behind-the-wheel session with the coordinator. Students who successfully completed the reassessments received new certificates, including the student who the DMV had turned away.

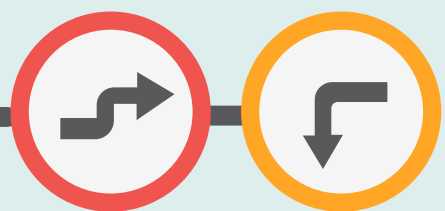
The situation escalated on February 6, 2023, when the DMV turned the same student away

again because she hadn't waited the minimum six weeks between road test attempts. The DMV then alerted the Highway Safety Specialist about the new certificates, leading the specialist to question the suspended instructor, the coordinator, and the instructor who taught the reassessment class. The coordinator responded the next day, emailing the specialist an explanation of how the students had been reassessed, along with supporting documentation. However, the Highway Safety Specialist hadn't waited for an explanation; she had already suspended the coordinator "pending investigation" that morning.

After more than a month, the Highway Safety Specialist terminated the coordinator's certification, contending that what the coordinator did amounted to submitting a "falsified" certificate because she did not personally teach the student. The certificate, however, attests simply that the student completed the classroom and behind-the-wheel curricula, which the coordinator represented was true; the student certificate does not require the instructor to attest that the instructor taught the entire course.

The Hilo High School driver education coordinator's suspension and termination was not consistent with DOT's authority as stated in its administrative rules; rather, that action was based on what seemed to be requirements and practices invented and imposed by the Highway Safety Specialist.

The coordinator appealed the specialist's decision within DOT, as the administrative rules allow. Yet, DOT did not appear to have a clear understanding of its own appeals process. DOT's response to



the coordinator's request for review was inconsistent and haphazard. No one contacted the coordinator's attorney for over a month after she initiated the process. Delays followed as DOT attempted to constitute a panel to review the specialist's decision to terminate the coordinator's certification. First, a hearing was scheduled for March 2023, but that was "scratched." Then, a hearing was eventually scheduled for August 2023, but that was "continued."

When finally the panel was created and a hearing was convened in October 2023, the Highway Safety Specialist, herself, was part of the panel tasked to review her own decision. When the coordinator's attorney was asked if he had any witnesses, he responded "yes, she's right there," identifying the Highway Safety Specialist; he was not allowed to ask her questions. Finally, the extended process abruptly ended when the DOT Director summarily revoked the coordinator's suspension without further explanation in November 2023.

As for the Hilo High School instructor, whose suspension in December 2022 initiated the proceeding, he was finally re-certified in March 2023. It is unclear how, when, or if his students were ever able to take their driver's examinations at the DMV.

The Highway Safety Specialist's actions against instructors affected their students.

Not only did suspensions and refresher course requirements affect instructors and their ability to teach driver education classes, the corrective actions imposed by the Highway Safety Specialist also directly impacted students, including those who had successfully completed driver education requirements under a certified instructor. Students must present two certificates of completion to take the road test for a license – one certifying the student completed 30 hours of classroom instruction and one certifying the student completed 6 hours of behind-the-wheel training; those certificates must be signed by the student's instructor. To receive the behind-the-wheel certificate, the student must complete 50 hours of driving practice under the supervision of a licensed adult age 21 or older. When the Highway Safety Specialist started suspending instructors for late renewals and other infractions, she also directed examiners of drivers at county Division of Motor Vehicles (DMV) offices to cancel all certificates the suspended instructors had issued – including certificates issued before the instructors were suspended. In some instances, students learned their certificates had been canceled when they arrived at the DMV for a road test. The Highway Safety Specialist also suspended instructors and then told the DMV to deny their students' scheduled road tests over relatively minor issues, like missing a part of the student's name and student signatures though, presumably, the DMV could have used the students' provisional licenses to confirm their identities. In addition to suspending instructors, the specialist canceled certificates of completion for those instructors' students – for students who had not taken the road test yet – leaving them in limbo until their instructors were recertified and able to issue new certificates or the situation was otherwise addressed by DOT.

Students were also affected by the Highway Safety Specialist's "rule" prohibiting DOE from using substitute instructors, all of whom were certified driver education instructors, to teach driver education classes. That restriction required students to wait for their original instructor to continue their class or resulted in students having to retake the course, starting from the beginning, if the instructor wasn't able to continue. This requirement was based on the Highway Safety Specialist's personal

belief that all required course hours must be taught by the instructor who signed the student's certificate; she believed that an instructor who had not taught the entire course and signed a student's completion certificate was "falsifying" information. According to the Highway Safety Specialist, such action allows DOT to deny or terminate an instructor's certificate for "falsification of any information provided to the department" under Section 19-139-15(2), Hawai'i Administrative Rules (HAR). DOE, however, did not require the entire instruction to be by the instructor who signs the student's completion certificate.

Program records were in disarray.

The Highway Safety Specialist's files on driver education instructors were too unorganized and incomplete for us to determine whether initial certifications and annual renewals were properly approved. For instance, none of the 145 instructor files we reviewed contained evidence that the instructor had successfully completed an instructor training course. We also found numerous documents were misfiled; for instance, one file contained a letter from an instructor saying that a dog had eaten some required documentation, but we found a photo of the chewed up document in another instructor's folder; another file contained an instructor's original birth certificate that was meant to be returned to the instructor in 2022. That birth certificate, along with other files containing personal information, were kept in unsecured file cabinets.

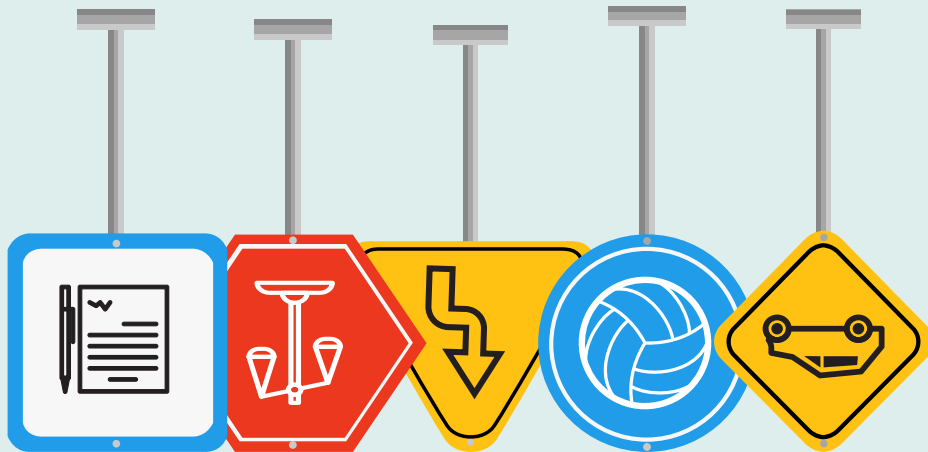
The Motor Vehicle Safety Office Administrator was unaware of the state of the instructor files – which included incomplete file folders, missing documents, unfiled and misfiled documents, stacks of unorganized, miscellaneous documents on the specialist's desk and in other locations, and outdated electronic information. The files also generally did not provide documented justification for punitive action and collectively suggested decisions were made arbitrarily and inconsistently, not according to any set procedure. The administrator was unaware of how files were maintained, how database records were kept, or often, how actions against instructors were taken. The administrator was not even aware that DOT had created its own web-based database for driver education in 2022, which the Highway Safety Specialist never used. Instead, the Highway Safety Specialist kept the electronic files in a database that only she could access. As a result, no one at DOT – and no one on our audit team – could determine whether the information in either database was complete or comprehensive. After the Highway Safety Specialist's resignation in August 2024, DOT found stacks of unprocessed paperwork, probably about six months' worth, according to the Highway Safety Manager.

DOT management and administration failed to detect or prevent the Highway Safety Specialist's unauthorized activities.

The Motor Vehicle Safety Office Administrator said she and the DOT Director had been aware of problems with the department's driver education program and were working on solutions well-before the pandemic. However, many of the issues we found and reported above arose during and after the pandemic and could have been prevented if DOT had complied with legal requirements, implemented controls, and effectively supervised its employee. For instance, if the DOT Director had certified a master trainer curriculum or if the Motor Vehicle Safety Administrator had provided adequate oversight, the Highway Safety Specialist would not have had the opportunity to impose her requirements that resulted in, among other things, her disqualifying all of DOE's master trainers. The administrator was unaware of the role the new master trainers had in disqualifying DOE's final master trainer; she only learned the specialist had effectively eliminated DOE's master trainer program when it came up in an interview during the audit.

Lax oversight also gave the Motor Vehicle Safety Office Administrator the impression that the Highway Safety Specialist had stopped suspending instructors. On March 18, 2023, the administrator had informed the specialist that the administrator and the DOT Director needed to review any suspensions, terminations, and other such actions before they were imposed. The administrator did not realize that the Highway Safety Specialist continued to suspend instructors in 2024 and misunderstood the nature of the refresher courses that instructors were required by the specialist to attend before she reactivated their certification.

The Highway Safety Specialist said she was not trained on her certification tasks when she started working at DOT. She apparently did not seek guidance from DOT management or administration, and she provided only vague responses when asked about advice from the Department of the Attorney General. While frequently referring to the "HARs," a term that she repeatedly used to justify her actions against master trainers and instructors as well as her instructions to DMVs about student certificates, the specialist did not seem to understand that her responsibility under DOT's administrative rules was simply to process paperwork, issue driver education instructor certifications and renew those certifications. She believed that driver education should be one program – and that she was in charge of that program – and no one at DOT disabused her of that belief, if they were even aware of it.



Membership Has Its Privileges

DOT's court monitoring project paid members of a non-profit volleyball club around \$200,000 for a year and a half of questionable work.

IN ADDITION to her duties for the DOT's driver education program, the Highway Safety Specialist was also responsible for administering the department's court monitoring project, which was intended to foster youth interest, engagement, and leadership in traffic safety impaired driving issues. The Highway Safety Specialist's duties for the project, which was funded by a federal grant from the National Highway Traffic Safety Administration, included hiring and managing student interns, who were supposed to monitor impaired driving court proceedings virtually and in person.

In August 2024, the Highway Safety Specialist abruptly and unexpectedly left DOT for a position with the Hawaii Department of Human Services. In our efforts to clarify the specialist's respective recordkeeping duties between the two different DOT programs she administered, we interviewed the court monitoring project's supervisor, a DOT Highway Safety Manager in the Motor Vehicle Safety Office. She told us that she had shut the court monitoring project down in July 2024 amid numerous concerns about whether the project was being administered as intended.

According to the Highway Safety Manager, the original objective of the project was to have someone (a court monitor) present at driving-

impairment hearings. Court monitors would also review court cases that involved impaired drivers and manually record the proceedings from their arrest through their process of adjudication. With this information, the court monitors were to produce an outcomes report, which would provide feedback to the judicial program. She told us that when she took over supervision of the project, she noted that the court monitors were not producing the required outcomes report. It was also her understanding that the court monitors would be college-level interns.

The Highway Safety Manager said that she had requested to meet with the court monitors to learn about their work; however, she was repeatedly "brushed off" by the Highway Safety Specialist. Finally, after two years of requesting, in March 2024, the Highway Safety Manager called a meeting with the Highway Safety Specialist and about 10 of the project's 13 court monitors. She also invited someone affiliated with the University of Hawai'i and familiar with qualitative research to discuss issues with the court monitors, expecting that they would be college students in attendance; however, she was surprised to learn that three of the monitors were minors, who were accompanied at the meeting by their parents. None of the court monitors were college students.

The documents led us to social media and other records that indicate 12 of the 13 court monitors were associated with the volleyball club owned and operated by the Highway Safety Specialist.

According to the Highway Safety Manager, the age of these monitors was an immediate concern. She wondered how they were getting paid. Did the department have their work permits on file? She also questioned if the minors had the capacity to do the work, considering their school hours or the late evenings that might be necessary. The Highway Safety Manager had noticed that court monitors who were at the DOT office called the Highway Safety Specialist “coach.” The Highway Safety Specialist freely admitted that most of the court monitors played volleyball; however, she never explained to her supervisor how the monitors had been selected and what was the process for anyone outside of the volleyball club interested in participating in the program. The Highway Safety Manager also expressed concerns that the court monitors may have been reporting work and hours that they had not performed.

The Highway Safety Manager alerted a National Highway Traffic Safety Administration official of her concerns and eventually informed her supervisor, who she said may have been overwhelmed with other duties. As previously noted, because of these and other concerns the Highway Safety Manager shut down the court monitoring project four months later in July 2024.

DOT’s court monitoring project was outside of our audit’s scope and beyond our field work stage; however, because of the potential fraud raised by the Highway Safety Manager’s concerns about the administration of the court monitoring project, we examined further. The issues of improper program administration and lack of management oversight appeared to also echo issues that we found in the department’s driver education program. We requested documents related to payments to court monitors for the period October 1, 2022 to October 1, 2024. This included the application to become a court monitor, invoices from court monitors for payment for work performed, cancelled checks for payments

to court monitors, and any other supporting documents for payments made to court monitors.

The documents led us to social media and other records that indicated 12 of the 13 court monitors were associated with the volleyball club owned and operated by the Highway Safety Specialist. We believe those associated with the club included three former members, four players, and five coaches. The one court monitor that did not appear associated with the volleyball club may share the same employer with the club secretary.

The court monitoring project was temporarily supervised by three different highway safety specialists from 2020 to 2022. We found that one of those temporary supervisors appears to have children who are members of the volleyball club.

In Federal Fiscal Year (FFY) 2022, the impaired driving court monitoring program was awarded \$100,000 of which 100 percent of the funding was expended. There was no breakdown of the expenditures provided in the FFY2023 annual report for the court monitoring program. However, the program area (impaired driving) that the court monitoring project falls under was awarded \$396,181.47 in FFY2023 of which 100 percent of the fund was expended. For FFY2024, the estimated federal funding for court monitoring was \$169,378.00.

A total of \$207,000 was paid to court monitors from October 2022 through February 2024. Total payments to individual court monitors during this time-period ranged from \$4,000 to \$12,000. Checks were delivered to the Highway Safety Specialist for distribution to the individual court monitors.

We note that these payments are only for the past two years of the court monitoring project. The project had existed since approximately FFY2017, with the specialist administering it since that same year.

Conclusion

In regard to administering its driver education program, DOT has two responsibilities: (1) certify curricula, and (2) certify driver education instructors. However, we found that the department has failed to do the former and grossly mishandled the latter.

Department management also failed to develop internal controls, including policies and procedures, to guide program performance and apparently lacked interest in the department's legal responsibilities. This inaction and inattention enabled a lower-level Highway Safety Specialist to perform tasks assigned explicitly to the director, exercising authority well-beyond that conferred to the department.

The Highway Safety Specialist's unauthorized and unsupervised activities created havoc at both DOT and DOE. Her unequal treatment of instructors seeking renewed certificates led to reduced income for some driver education instructors, and financial gains for the three individuals she chose to be master trainers. As we reported, the Highway Safety Specialist required instructors she disciplined to pay her designated master trainers for refresher courses in order to continue their driver education jobs. The Highway Safety Specialist also delayed some students' ability to obtain a driver's license after they successfully completed driver education requirements by ordering county DMVs to void all student certificates issued by instructors with lapsed certification, including student certificates awarded while the instructors' certification was current.

The Highway Safety Specialist also impeded DOE's ability to increase driver education opportunities by eliminating its internal master training program, which forced DOE to pay the DOT master trainers for new instructor training. This raised DOE's costs for training new instructors, which is paid out of the driver education fund, a special fund that collects \$2 for each insured vehicle in Hawai'i to support DOE's driver education and traffic safety programs.

The Highway Safety Specialist's misuse of her position undermined the integrity of the program; however, just as damaging and maybe more concerning is the DOT administration's lack of presence and awareness, which allowed her to operate unchecked for so long.

DOT Recommendations

1. The DOT Director should appoint a curriculum task force to establish minimum requirements for **driver education student curriculum** and recommend to the director the certification of the driver education classroom, simulator, and behind-the-wheel curricula, as required by Section 19-139-100, HAR.
2. The DOT Director should certify curricula for the driver education classroom, simulator, and behind-the-wheel instruction. The curricula should include Hawai‘i specific traffic laws. The director should document the curricula that he or she certifies.
3. The DOT Director should review the certified curricula every five years to assure that the curricula continues to be relevant. The director should document his or her review.
4. The DOT Director should appoint a curriculum task force to establish minimum requirements for **driver education instructor curriculum** and recommend certification to the director, as required by Section 19-139-125, HAR.
5. The DOT Director should certify the driver education instructor curricula. The director should document the curricula that he or she certifies.
6. The DOT Director should review the certified curricula every five years to assure that the curricula continues to be relevant. The director should document his or her review.
7. The DOT Director should certify the **curricula for a train-the-trainer course for driver education instructors** (i.e., a course for master trainers), as required by Section 19-139-128, HAR. The director should document the curricula that he or she certifies.
8. DOT should document the roles and responsibilities of each staff with responsibilities regarding DOT’s driver education program, including those with supervisory responsibilities.
9. DOT should document its policies and procedures for processing driver education instructor applications and certificate renewals to ensure consistent and timely processing, tracking, and enforcing the renewal requirements.
10. DOT should document its policies and procedures relating to its administrative review of appeals by instructors whose certificate was revoked, suspended, cancelled, or terminated.

Appendix A**Audit Scope and Methodology**

The resolution requesting the audit noted a lack of available classes and instructors on the neighbor islands, as well as a lack of online class instruction. The audit requested that we assess both the DOE's driver education program, which offers driver education programs in public high schools throughout the State, and DOT's administration of its component of the program, which involves certification. While we focused on the DOE driver education program and instructors, where relevant we examined files that included commercial driver education instructors. The audit was conducted from December 2023 through December 2024. When appropriate, we also examined data from prior years and the current calendar years.

We reviewed both DOE's and DOT's applicable statutes and administrative rules, including Chapter 302A-413, HRS, through Chapter 302A-417, HRS – as well as portions of Chapter 286, HRS, and the associated administrative rules Title 19, Chapter 139, HAR.

We reviewed documents maintained by DOE relating to DOE procedures and other criteria. We additionally surveyed DOE principals at high schools with existing driver education programs and also driver education coordinators at various high schools. However, we were unable to meaningfully evaluate the extent to which driver education instruction is available to eligible state residents ages 15 through 18 due to the lack of administrative rules.

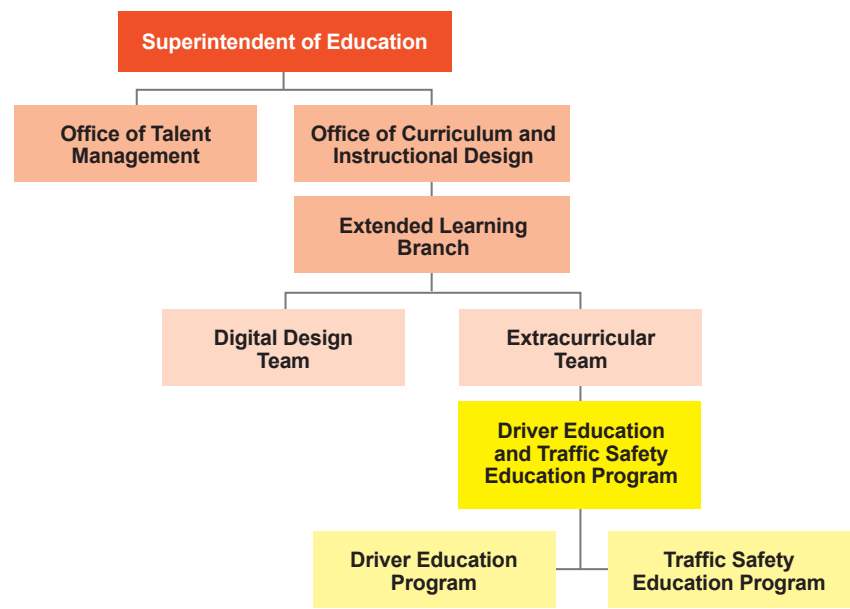
To address our objective relating to DOT's compliance with legal requirements, we reviewed documents maintained by DOT relating to the licensing of DOE driver education instructors, including DOT's procedures related to licensing/certification; relevant DOT emails; legislative history; and other criteria relating to DOT's application process. We also reviewed documents maintained by DOT relating to driver education instructors, including DOT's procedures related to disciplinary action; relevant DOT emails; and other documents relating to DOT's processes.

We conducted interviews with DOE and DOT management and staff. We also interviewed leadership from the national organization, ADTSEA, regarding certification of driver education curricula. Because there were no written policies and procedures for DOT's program and the Highway Safety Specialist's answers were inconsistent, our office needed to create process charts and conduct multiple interviews to verify information provided was accurate.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our audit findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

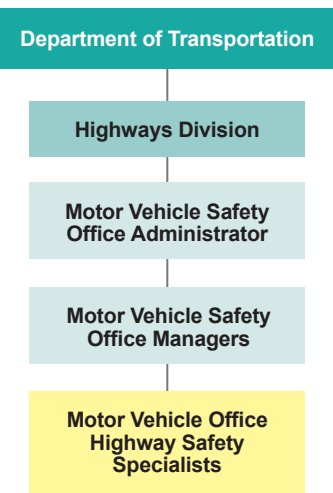
Appendix B

DOE Organizational Chart



Source: Department of Education

DOT Organizational Chart



Source: Department of Transportation

The Department of Education Did Not Offer Comments to the Draft Audit Report

We provided a draft of this report to the Department of Education (DOE) on April 11, 2025. We met with the Assistant Superintendent of the Office of Curriculum and Instructional Design (OCID), the State Resource Teacher (OCID), the Executive Assistant from the Office of Facilities & Operations, as well as the Internal Audit Director and an Auditor Specialist with her office on April 17, 2025. We informed DOE that it could provide written comments and that those comments would be included in the final version of the report.

DOE, however, informed us that it did not intend to offer written comments to the draft.

Office of the Auditor's Response on the Department of Transportation's Comments to the Audit

WE PROVIDED A DRAFT of this report to the Department of Transportation (DOT) on April 11, 2025, and met via videoconference with the Deputy Director-Administration, the Deputy Director-Highways Division, and the Motor Vehicle Safety Administrator to discuss the draft. DOT subsequently provided written comments to the draft report, which are included as Attachment 1.

DOT disagrees with the finding that its driver education program lacked meaningful oversight and interest, which resulted in an unequal certification process for instructors and impeded efforts to expand student access to driver education. DOT asserts that it did take an interest in the program, claiming that it “believes the program is one of the best tools to prepare Hawai‘i’s youth to drive safely in order to protect themselves and other roadway users.” That belief in the importance of driver education, however, is belied by DOT’s administration of its program which, frankly, reflected an indifference to preparing Hawai‘i’s youth to drive safely.

As we report, more than 25 years since DOT’s administrative rules were adopted, the director had not certified any of the curricula – for student, instructor, or master trainer instruction – that is foundational to the program and to ensuring that the program prepares Hawai‘i’s youth to become safe drivers. Moreover, DOT’s failure to provide any meaningful supervision over the program allowed a lower-level Highway Safety Specialist to determine the curricula, which did not include Hawai‘i-specific traffic laws, create arbitrary requirements for instructors, and impose requirements that exceeded the department’s legal authority, causing havoc to the Department of Education’s driver education program, among other things.

While DOT alleges that it took corrective action to address issues that came to management’s attention, that action occurred after years of inappropriate conduct by the Highway Safety Specialist, which apparently went undetected by management. And, even more telling, the Highway Safety Specialist disregarded certain instructions that the department claims to have been its corrective action. For example, in its response, DOT says that it informed the Highway Safety Specialist that all disciplinary action must be approved by the director. Notwithstanding

that instruction, as we report, the Highway Safety Specialist continued assessing penalties against instructors.

We note that DOT does not dispute or otherwise disagree with the evidentiary basis for the finding. In fact, the department was unaware of many of the Highway Safety Specialist's actions until we raised her performance to DOT management during the audit. To us, the Highway Safety Specialist's unfettered ability to impose her will on the program – often expanding DOT's legal authority – combined with management's ignorance of many of the Highway Safety Specialist's actions supports the finding that DOT did not provide meaningful oversight and lacked interest in the program.

In addition, DOT expresses concern about the inclusion of the department's court monitoring project that was also administered by the Highway Safety Specialist. We included the information about the court monitoring program (see **“Membership Has Its Privileges” on page 46**) to further highlight DOT's lack of meaningful oversight over the Highway Safety Specialist, which seems to have allowed her to operate that program similarly to the driver education program. DOT states in its response, “While we appreciate the detailed budgetary information provided for the impaired driving court monitoring program, we would appreciate if additional information such as hourly wages, amount of hours each monitor worked, and the number of cases/court hearings each monitor reviewed to provide better context of the funds expended.”

The financial information we reference about the court monitoring program *was provided by DOT*. Based on invoices provided to us, we determined that, between 2022 and 2024, a total of \$207,000 was paid to individuals associated with the Highway Safety Specialist's volleyball club; and, contrary to DOT's counterclaim, they were paid at a rate of *\$40 an hour*, with reported hours ranging from 25 to 81 hours per quarter.

DOT also noted that the yellow box in the department's organizational chart that we reproduced in Appendix 2 of the report should be “Motor Vehicle Office Highway Safety Specialists.” We have made the correction.

Lastly, DOT represents that it has started implementing some of the report's recommendations. We look forward to reviewing these and other actions the department takes in two or three years.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



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IN REPLY REFER TO:

HWY-V 9.7597

April 21, 2025

TO: LESLIE H. KONDO, STATE AUDITOR
OFFICE OF THE AUDITOR

FROM: EDWIN H. SNIFFEN 
DIRECTOR OF TRANSPORTATION

SUBJECT: REVIEW OF AUTOMATED SPEED ENFORCEMENT
ADMINISTRATIVE RULES

The Hawaii Department of Transportation (HDOT) appreciates the hard work of the Office of the Auditor and the team that reviewed Hawaii's Driver Education program. We are thankful for the opportunity to provide feedback on the draft report as we see this as an opportunity to identify potential gaps and issues that need to be remedied to improve the program.

The HDOT does not agree with the statement: "A lack of meaningful management oversight and interest in HDOT's Driver education program..." We ask that it be revised as the HDOT absolutely took an interest in the driver education program and believe the program is one of the best tools to prepare Hawaii's youth to drive safely in order to protect themselves and other roadway users.

The HDOT recognized there were shortfalls in the management of the driver education program. Administration met with staff to provide corrective actions which included training, specific guidance and expectations for the programs. In the end, the Highway Safety Specialist (HSS) decided to resign from the position.

The HDOT's concerns regarding the driver education program was the lack of timely responses and lengthy time it took to process paperwork. When a complaint was received, the HDOT took appropriate action by speaking with the HSS to find out what caused the delay so the issue could be resolved. The administration also provided a cell phone number to ensure no calls were missed and rescinded the ability to telework so the supervisor could monitor the employee.

Weekly meetings were also scheduled so the administrator and HSS could discuss any current/potential issues as well as monitoring workloads and make adjustments when necessary. Whenever the administrator asked for files/documents, those were always produced.

As soon as the HDOT became aware of possible biased towards some instructors, the HDOT informed the HSS that all disciplinary action must be approved by the HDOT Director. The HSS confirmed that she understood and would comply.

The court monitors were paid between \$10.00 - \$14.00 an hour for the time spent conducting court and case monitoring, entering data and other related responsibilities. The data collected is valid as it pertains to Operating a Vehicle Under the Influence of an Intoxicant cases in Honolulu courts. The data is being evaluated to further validate future programs and explore vertical prosecution.

The HSS had recruited and trained the court monitors and had originally told the manager and grant supervisor that the students were all in college and had a vested interest in a career in criminal justice or law enforcement. To prevent this from happening again, staff will follow the same process that HDOT uses for student helpers.

While we appreciate the detailed budgetary information provided for the impaired driving court monitoring program, we would appreciate if additional information such as hourly wages, amount of hours each monitor worked, and the number of cases/court hearings each monitor reviewed to provide better context of the funds expended.

Focusing on the concerns of project management could offer a clearer understanding of the issues HDOT's management worked to address.

Regarding the HSS's actions, the HDOT is interested in pursuing an action to prevent this from happening again. An HDOT representative spoke with an attorney from the Attorney General's (AG) office. The attorney advised that this falls more under the jurisdiction of the State Ethics Commission and that the person most knowledgeable about the situation should file a complaint with the Ethics Commission. AG's office may get involved at a later point if there are criminal matters at play.

On page 50, we believe the yellow box of the HDOT Organizational Chart should be Motor Vehicle Office Highway Safety Specialists.

As for the recommendations:

The HDOT has already formed the required driver education task force which reviewed the student curricula and made a recommendation to the HDOT director which was approved in January 2025. The task force also worked on master trainer and instructor curricula which will be finalized when the task force meets in May. The finalized curricula will then be sent to the HDOT director for review and approval.

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The HDOT is working with the task force to improve specific portions of the student curricula relating to Hawaii State Traffic laws and best practices that will be required for all driver education instructors to teach. The HDOT also provided guidelines to allow for virtual driver education to be offered statewide while we work with the Department of Education to increase the number of driver education instructors. The guidelines provide a framework to ensure that students, who do not have access to in-person driver education in their community, have access to driver education.

The HDOT also worked on policies and procedures for the staff member(s) working on the driver education program to ensure consistency within the program. This includes the roles, responsibilities, and limits of authority for any staff working on the driver education program, including the Motor Vehicle Safety Administrator and Highway Safety Manager.

The HDOT also supported a bill, in the current legislative session, to require basic motorcycle rider courses for applicants seeking a motorcycle license in Hawaii.

The HDOT also filled the HSS position that will be responsible for the driver education position. The new HSS has a legal and civil rights background which we hope will further improve compliance, program management, and improve community feedback for the program. The new HSS will be provided with training, procedures, strict guidance and will meet with managers on a weekly basis.

If you have any questions, please contact Lee Nagano, Motor Vehicle Safety Administrator at (808) 692-7650 or via email at lee.nagano@hawaii.gov.

Thank you for the opportunity to provide clarification on the draft report.