



STATE OF MICHIGAN  
JOCELYN BENSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

**MEMORANDUM**

DATE: May 6, 2020  
TO: Michigan Driver Education Providers  
FROM: Driver Programs Section  
Office of Investigative Services  
SUBJECT: Driver Education and Executive Order No. 2020-70

This memo updates information on virtual classroom instruction described in the April 14 memorandum. The April 14 memo extended the approval for temporary use of virtual classrooms to provide portions of Segment 1 and Segment 2 driver education courses through April 30, 2020. The temporary approval of virtual classrooms for Segment 1 and Segment 2 courses will not be extended beyond April 30, 2020. Providers may not schedule online courses to begin after April 30, 2020.

**Background**

When the first Stay Home, Stay Safe order was issued on March 23, students who had begun a segment 1 or segment 2 course were unable to continue taking classes. Recognizing that instructors could not hold classes in person, the Michigan Department of State (MDOS) approved the emergency, temporary use of distance learning to provide the classroom instruction portions of Segment 1 and Segment 2 driver education courses, excluding the final written exam and behind-the-wheel instruction, for customers who had begun or were scheduled to begin a course in March or April.

The initial approval was given based on the expectation that providers would be able to resume normal operations on April 14. An extension of the approval was given when the Stay Home, Stay Safe order was extended to April 30. At that time, providers were still in the process of implementing their virtual classrooms with many customers waiting. There was concern about the longer wait between classroom and behind-the-wheel instruction, but the approval was extended based on an expectation that providers would be able to resume normal operations on May 1.

The April 14 memorandum extending the approval advised providers that they should assume that virtual classroom distance learning would not continue or be approved if the governor extended the Stay Home, Stay Safe order beyond April 30. There is concern about an even longer wait between classroom and behind-the-wheel instruction, as well as the realization that behind-the-wheel instruction may be prohibited even if the Stay Home, Stay Safe order is not extended. Allowing classroom instruction to continue with no firm date when behind-the-wheel instruction will resume is not in the best interest of the students in the driver education program or for traffic safety.

## Restatement of requirements for virtual classrooms and distance learning

The approval of virtual classroom distance learning was in response to the Stay Home, Stay Safe order (EO 2020-42) only and that approval expired on April 30, 2020. Courses started by that date may continue to be presented using a virtual classroom with the expectation that they will be completed by May 22, 2020 (exception: schedules already submitted do not need to be changed).

The final written exam will not be conducted online. The online classwork may be completed up to the point where the student is prepared to take the final written exam. The online instruction may be given without integration of behind-the-wheel instruction. Once the Stay Home, Stay Safe order is lifted, then providers will arrange to conduct the necessary behind-the-wheel instruction, class review, and to administer the final written exam.

The following restates the requirements that must be met by providers who were approved to provide driver education through distance learning and started online classes prior to April 30. Some statements are rewritten for clarification. Some deadlines are extended to reflect the extension of the Stay Home, Stay Safe order.

- Distance learning must take place in a “Virtual Classroom” format, presenting the same material as in the provider’s approved classroom curriculum.
- Classes must be led by an instructor with a current teen specialty classification who has completed training offered online by the creator of the online teaching tool.
- Providers may use a second person who is not certified as an instructor—a proctor—to assist the instructor. The proctor may be used to provide technical assistance and to monitor student participation. The proctor may not provide instruction unless they are a currently certified instructor with a teen specialty classification.
- Class size is restricted to no more than 20 students.
- Students must have the ability to interact with the instructor in real time.
- Instructors must have the ability to identify students participating through visual confirmation. Student computers or cell phones must have cameras to allow the instructor to visually confirm the student’s participation throughout the class. The cameras must always be on and the students must always be visible.
- Student attendance must be monitored constantly throughout the class session and attendance taken at the beginning of the class, end of the class and after any breaks. Any student missing at any attendance taken during class or during any observation by the instructor or proctor shall not receive credit for the class. Anyone not enrolled in the course should be removed from the class presentation.
- Students must be seated upright<sup>1</sup> and should have a desk or table to work on. Lying on a bed or couch is not acceptable.
- Students may not be engaged in activity unrelated to the classroom, including but not limited to walking, holding a pet, speaking to other persons, or using another electronic device (unless the device is being used for class work).

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<sup>1</sup> The previous memo stated that the student must be seated in a chair.

- When an instructor or proctor observes a student engaging in activity unrelated to the classroom, the student must be given a verbal warning. Upon a second occurrence of unrelated activity during a class session, the instructor must terminate the student from the class. The student shall not receive credit for the class. Whether the class may be retaken or if the student is terminated from the course depends on the provider's policy as stated in the written agreement with the student.
- Class sessions must be recorded and be made available to MDOS for review upon request until at least six months after the class session.
- A schedule of all class sessions must be submitted to [drivered@michigan.gov](mailto:drivered@michigan.gov) in advance of the class offering. The email must provide real-time access info to each class session.
- Technical assistance must be available during class sessions. If the instructor cannot provide technical assistance, then an alternative must be available. Any time spent dealing with technical issues does not count towards the required classroom instruction time.
- Course fees may not be greater than the provider's regular fees for the course.
- Program completion reports (DES-102) are still required but will not be submitted until course completion. A course is considered completed after each student enrolled in a course has had opportunity to complete behind-the-wheel instruction and a proctored final written exam.
- No later than the day after the first class session using virtual classroom distance learning in a course, the provider must email a list of enrolled students to [drivered@michigan.gov](mailto:drivered@michigan.gov). That list must be updated after the last class session using virtual classroom distance learning in a course, identifying which students dropped from the course. A blank spreadsheet template will be provided by MDOS to complete the list; if you have not received one, please email [drivered@michigan.gov](mailto:drivered@michigan.gov) to request a copy.
- Deadlines for completion of course work, including behind-the-wheel instruction and final written exams, will be determined after it is known when in-person teaching may resume.

#### Requirements for offering the review.

- The provider must give notice to each student at least seven days before the provider is prepared to present a proctored, final written exam.
- During those seven days, the provider must offer a two-hour review session for Segment 1 (and one-hour review session for Segment 2) to prepare the student for the final written exam. The review session must be in-person.
- Students are required to attend the review session and the provider must record and report the attendance by email to [drivered@michigan.gov](mailto:drivered@michigan.gov) or by submitting an updated spreadsheet that was used to report the names of students who enrolled in a course.

- If a class transitions to in-person after the end of the stay-home order, the in-person class will meet this requirement if at least two hours of classroom instruction are conducted.

#### Requirements for administering the written final exam.

- Providers may hold the proctored final written exam at a location other than their approved classroom locations, if the location is one typically used for gatherings such as a hotel conference room or a theater auditorium, and if MDOS gives approval. A request for approval should provide enough information to satisfy MDOS that the location is suitable. Email the approval request to [drivered@michigan.gov](mailto:drivered@michigan.gov). The approval is to conduct the written final exam only, not for use as a classroom.
- Providers are not restricted to conducting the proctored final written exam separately to each class cohort. They may allow students from multiple class cohorts to take the exam at a scheduled presentation of the exam.
- A certified instructor must administer and proctor the written final exam. Additional proctors are not required to be certified instructors. (This provides clarification from previous memo.)
- The number of students that may take the exam at one time is limited by the number of proctors. No more than 36 students may take the exam with one instructor. No more than 72 students may take the exam with the instructor and one additional proctor. No more than 108 students with two additional proctors, etc.

MDOS strongly recommends the following but is not requiring the practices.

- Use two monitors. Instructors can better manage the class if they use one monitor to observe and interact with the students and a second for presenting material to the students.
- Use shorter class sessions to keep students better engaged. Example: Split the traditional two-hour class session into two one-hour sessions; present one in the morning and one in the afternoon. Another example: three sessions of 40 minutes each, with 20-minute breaks between sessions.

Questions should be directed to [drivered@michigan.gov](mailto:drivered@michigan.gov).