

Legislative Analysis



VIRTUAL DRIVER TRAINING INSTRUCTION AND HOME SCHOOLED STUDENT EXEMPTION

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House Bills 5845 (H-1) and 6320 as reported from committee
Sponsor: Rep. Triston Cole
Committee: Government Operations
Complete to 12-4-20

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

Taken together, House Bills 5845 and 6329 would allow virtual instruction in driver education courses and exempt home schooled students from teen driver training.

House Bill 5845 would amend the Driver Education Provider and Instructor Act to allow *virtual instruction* in driver education courses and to incorporate virtual instruction as an alternative to classroom instruction in the curriculum requirements for teen driver training. The bill would also allow for virtual instruction for those learning to become driver education instructors. In addition, the bill would exempt homeschooled students from teen driver training under the act.

Virtual instruction or *virtual course* would mean that part of a driver education course provided electronically or online that enables a student to learn *synchronously* from a driver education instructor.

Synchronous would mean a virtual or in-person teaching method where the student learns directly from an instructor in real time but not necessarily in the same place.

Under the act, teen driver training is divided into a segment 1 curriculum and a segment 2 curriculum. The entire course (segment 1 and segment 2 combined) must provide each student with at least 30 hours of classroom instruction and 6 hours of behind-the-wheel instruction. The segment 1 curriculum must include 24 hours of classroom instruction and 6 hours of behind-the-wheel instruction. The act includes other requirements for teen driver training, among other things requiring specific content to be included (e.g., bicycle laws and awareness), requiring a course to last at least three weeks, limiting classroom instruction to no more than two hours per day, and generally capping at 36 the number of students that can be in a classroom when instruction is given.

With some exceptions described below, the bill would add virtual instruction as an alternative to classroom instruction under the act. For example, the teen driver training course would have to include at least 30 hours of classroom or virtual instruction and 6 hours of behind-the-wheel instruction. Virtual instruction would also be subject to curriculum content requirements, the three-week course minimum, and the two-hour daily limit on instruction.

However, the general limit of 36 students when instruction is given would apply only to classroom instruction. A segment 1 or segment 2 virtual course with only one instructor could include up to 20 students. A virtual course with one instructor and one *proctor* could include up to 36 students.

Proctor or *driver education proctor* would mean an individual who is not a certified driver education instructor but who assists an instructor during virtual instruction, provides technical assistance, or monitors student participation. A proctor cannot provide instruction unless he or she is a certified instructor.

The schedule 1 curriculum requires a student to complete three or more hours of behind-the-wheel instruction before classroom instruction ends. This provision would apply only to classroom instruction, and not to virtual instruction, under the bill.

The bill would, however, add virtual instruction to other current requirements concerning segment 1 behind-the-wheel instruction, as follows:

- A student must have received at least four hours of classroom or virtual instruction before beginning to receive behind-the-wheel instruction.
- A student must complete any remaining required behind-the-wheel instruction no later than 90 days after the last classroom or virtual instruction has been completed.

[Note that this period of time would be changed to 90 days by the bill. Currently, it is three weeks.]

Requirements for virtual instruction

Virtual instruction could be provided for two years after the effective date of the bill. Virtual instruction would have to meet the following requirements:

- An instructor or proctor must be able to see, identify, and visually confirm the attendance and participation of a student throughout the class.
- Class sessions must be recorded and made available for review by the Department of State for at least six months after the class session.
- Technical assistance must be available during each virtual course session. If a technical issue prevents a student from participating or receiving instruction, that time does not count toward the student's required instruction time.
- A student must have the ability to interact with the instruction during class in real time.

Reporting requirements for virtual providers

Currently, before holding a class, a driver education provider must file with the secretary of state a projected driver education course schedule report containing the following:

- The name of the driver education school.
- The dates and times of the class.
- The classroom location.
- The names of the instructors.
- Any other information the Secretary of State requires.

Under the bill, the requirement to provide a classroom location would not apply to a provider of virtual instruction. The bill would require these providers to include access information to each class for possible real-time monitoring by the Department of State.

Other reporting requirements would apply, although providers offering only virtual instruction would not have to list classroom locations in a year-end report that also contains such information as the name of the driver education school, a list of instructors who taught during the year, and the number of students who passed and failed each type of instruction given.

The bill would also exempt providers that offer only virtual instruction from provisions of the act that deal with physical classroom locations (e.g., fire code compliance).

Virtual instruction of driver training instructors

Finally, the bill would amend the definition of *practicum*, for purposes of the act, to include virtual as well as classroom instruction. This would allow a person who is training to be a driver education instructor to receive that portion of his or her education online.

Homeschooled students

Finally, the bill would exempt a *homeschooled student* seeking a level 1 or level 2 graduated driver's license under the Michigan Vehicle Code from teen driver training under the act.

Homeschooled student would mean a child being educated at home by his or her parent or guardian in accordance with section 1561(4) of the Revised School Code.¹

MCL 256.623 et seq.

House Bill 6320 would amend the Michigan Vehicle Code to exempt *home schooled students* from having to meet certain driver education requirements before being issued a driver's license under the act.

Home schooled student would mean a child being educated at home by his or her parent or legal guardian under section 1561(4) of the Revised School Code.

Level 1 graduated license

Currently, a person who is at least 14 years and 9 months old can be issued a level 1 graduated license if he or she meets all of the following:

- Receives written approval of a parent or legal guardian.
- Passes a vision test and meets health standards prescribed by the secretary of state.
- Successfully completes segment 1 of a driver education course as defined in the Driver Education Provider and Instructor Act,² including at least six hours of on-the road driving time with the instructor.

¹ <https://www.legislature.mi.gov/documents/mcl/pdf/mcl-380-1561.pdf>

² <http://legislature.mi.gov/doc.aspx?mcl-Act-384-of-2006>

The bill would exempt a home schooled student from having to meet the requirements in the last bulleted item above. The other requirements would still apply.

Level 2 graduated license

Currently, a person who is at least 16 years old can be issued a level 2 graduated license if he or she meets all of the following:

- Has had a level 1 graduated license for at least six months.
- During the 90 days before applying for the license, has not incurred a moving violation resulting in a conviction or civil infraction determination and has not been involved in an accident for which the police report indicates a moving violation on his or her part.
- Presents a certification by his or her parent or guardian that the person, accompanied as required by an adult driver, has accumulated at least 50 hours of behind-the-wheel experience, including at least 10 nighttime hours (unless he or she is exempt from nighttime driving).
- Successfully completes a driving skills test approved by the secretary of state.
- Successfully completes segment 2 of a driver education course as defined in the Driver Education Provider and Instructor Act.

The bill would exempt a home schooled student from having to meet the requirements in the last bulleted item above. The other requirements would still apply.

MCL 257.310e

The bills are tie-barred to one another, which means that neither could take effect unless both were enacted.

FISCAL IMPACT:

The bills would have no fiscal impact on the state or local units of government.

POSITIONS:

Representatives of the following entities testified in opposition to the bills (12-1-20):

- Department of State
- Official Driving School
- Century Driving School

The following entities indicated opposition to the bills (12-1-20):

- D-N-D Driving School
- Ozoor Driving School
- Motor City Driving Academy
- 906 Drive
- Street Smart Driver Training
- Navigator Driving Academy
- E-Z Way Driver Training

- Courtesy Driving School
- National Driving School
- Alpine Driving School
- Michigan Driver and Traffic Safety Education Association
- Freed Indeed Driving School
- 10 and 2 Driving Academy
- AllSafe Driver's Ed
- Hall of Fame Driving School
- Top Driver
- Classic Driving School
- Quality Driver Training
- A&A Driving School and Drivers Rehabilitation Center of Michigan
- Top Notch Driving Academy
- Keys Driving School
- Bedford Community Education
- Premier Driving Academy

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.