THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

Office of Career and Technical Education

October 20, 2020

TO: District Superintendents
Superintendents of Schools
Public School Administrators
Nonpublic School Administrators
Charter School Administrators

FR: Amy Cox, Director Career and Technical Education

RE: Driver Traffic and Safety Education (DTSE) Frequently Asked Questions

The following questions will help to clarify information related to the updated guidance memo on Drivers and Traffic Safety Education Programs in response to COVID-19 released on August 26, 2020.

GENERAL PROGRAM INFORMATION

1. Will the August 26, 2020 guidance apply going forward? Will it apply for both the spring 2020 session that was cancelled due to COVID and for new classes going forward, including the fall 2020 session?

   Answer: The flexibilities allowed in the August 26, 2020 Updated DTSE Guidance apply to the spring 2020 sessions that ended when schools closed and will remain in place until schools are able to return fully to in-person instruction without the possibility of sudden closures due to COVID-19-related circumstances.

2. Does the August 26, 2020 DTSE Guidance mean we can start a new fall 2020 DTSE class of students?

   Answer: NYSED-approved DTSE programs may start new Fall 2020 classes with students. NYSED-approved DTSE programs may provide in-person classroom instruction, in accordance with the health and safety requirements put out by the NYS Department of Health, or instruction may be provided in a remote/online setting.

3. Are districts permitted to offer the laboratory portion (in-car) instruction in the approved DTSE programs?

Answer: NYSED reached out to the Governor's Office for a response to this question. While the Governor's Office stated that DTSE programs may provide in-vehicle instruction so long as no more than one student and one instructor occupy the vehicle at the same time, current DTSE guidelines do not permit instructors to conduct one-on-one driving sessions with students. Given this restriction and the fiscal impact it would have on the districts offering DTSE programs with only one student at a time, the 24 hours of laboratory instruction cannot be offered by approved DTSE programs at this time. While vehicles serve as important learning environments for driver education, they do not share the characteristics of a typical classroom. Multiple students in such a confined space with a DTSE instructor would increase the risk for transmission of disease.

4. How will students complete the 24 hours of laboratory (in-car) instruction if it cannot be provided by the DTSE program.

   Answer: The 24 hours of in-vehicle instruction may be completed under the supervision of a parent/guardian holding a valid NY State Driver's License.

5. Will spring 2020 and fall 2020 students be required to have the same certificate issue dates? Or is it possible to issue the spring 2020 students earlier once they have completed the course?

   Answer: The MV-285 Certificate of Completion may be issued once the student completes all requirements of the course. DTSE programs should contact Utica DMV to establish course end dates for spring 2020 students.

CLASSROOM INSTRUCTION

6. Are we allowed to have our instructor set up Zoom class sessions for the continuation of lectures that were cut short in spring 2020, and do the same to start the fall 2020 session?

   Answer: Yes.

7. Will the state provide the online portion of classroom instruction or will that only be provided by high schools?

   Answer: Instruction, whether in-person or remote, can only be provided by the NYSED-approved DTSE programs run by the schools.

8. The guidance mentions that the classroom portion can be delivered remotely. What approved course work is available online to comply with this requirement?

Answer: There is no standardized DTSE coursework. Schools with NYSED-approved DTSE programs develop, approve, and implement their own curriculum and will need to adjust the delivery of this curriculum for an online format if necessary.

9. Can the lecture portion be completed in-person or online? It says it may be completed online but nothing about in-person. Our school is a hybrid format so the buildings will be open.

Answer: Classroom instruction may resume in-person as long as it aligns with a district's reopening plan and NYS Department of Health's health and safety guidelines. Flexibility for remote instruction for the classroom portion of the program is offered as schools may not be able to accommodate students safely or may experience sudden closures due to COVID-19-related circumstances.

10. The guidance indicates that classroom (lecture) can be facilitated online by an "appropriately credentialed DTSE MV-283 holder". Does that include those teaching at a private high school with a restricted MV-283?

Answer: Individuals teaching in private schools with a restricted MV-283 card are allowed to teach the classroom portion of the DTSE course remotely but only for the private high school where they are registered to teach per the DTSE program approval application (form DE-1).

11. How many students are allowed in a virtual lecture class?

Answer: NYSED DTSE Guidelines allow for 36 students per class. Classroom size, regardless of whether classes are offered remotely or in person, remains limited to a maximum of 36 students but in all cases must adhere to the Interim Guidance for the In-Person Instruction at Pre-K to Grade 12 Schools During the COVID-19 Public Health Emergency.

12. Will DMV offer an online course?

Answer: The DMV will not offer the DTSE coursework online; it can only be offered by a NYSED-approved DTSE program.

IN-VEHICLE INSTRUCTION

13. Can students make up missed in-car driving instruction from Spring 2020 with a licensed parent or guardian?

Answer: Students may complete unfinished laboratory (in-vehicle) hours under the supervision of a parent/guardian as long as the parent/guardian attests to covering the remaining required in-vehicle instruction as outlined by the school.

14. Must all in-car driving sessions last 90 minutes?

Answer: There is no requirement that laboratory (in-car) instruction be 90 minutes a session. The DTSE guidelines only mandate that students may not participate in more than 90 minutes of laboratory instruction per day. Therefore, if students are completing the in-vehicle portion of instruction under the supervision of a parent/guardian, the sessions' lengths are at the discretion of the parent/guardian.

15. I hold a DMV-283 and am not affiliated with any DTSE program. Can I provide in-car instruction to students and charge a fee, like a private driving lesson?

Answer: No, this guidance does not allow DMV-283 card holders to independently offer private instruction outside of a NYSED-approved DTSE program.

DOCUMENTATION OF IN-VEHICLE INSTRUCTION SUPERVISED BY PARENTS/GUARDIANS

16. Will NYSED supply schools with a rubric or list of topics (including detailed information) which need to be covered for the in-vehicle portion of the program for which the parents will be responsible? Will there be one form from DMV/NYSED supplied to all schools for parents to log all information to keep the program uniform?

Answer: NYSED will not provide a rubric or list of topics to be covered in the driving portion of the program as all DTSE curriculum is locally developed and approved. It is a school's responsibility to determine how the parent/guardian will document and attest to the completion of the 24 hours, including the creation of all forms and their content, as the school is ultimately responsible for the issuance of the MV-285 Certificate of Completion. Grading policies are a local decision.

17. What information will you require on the form from the parent to ensure they are able to instruct the student (e.g., a copy of their driver's license)?

Answer: Local DTSE programs will determine what information/forms will be required from parents/guardians to ensure they are able to instruct students.

18. Will a grade need to be issued on the MV-285 for the in-vehicle portion of the class?

Answer: Yes. The local DTSE program will be responsible for documenting students' grades for the in-vehicle portion of the class on the MV-285 Roster.

19. What information is DMV going to require on the attestation for parent/guardian instruction?

Answer: The DMV does not determine the content of the attestation. It is a school's responsibility to determine how the parent/guardian will document and attest to the completion of the 24 hours, including the creation of all forms and their content, as the school is ultimately responsible for the issuance of the MV-285 Certificate of Completion.

20. Will schools be required to send the attestation with the MV-285 as proof the student obtained the correct number of driving/observation hours?

Answer: No. These documents should be maintained by the school offering the NYSED-approved DTSE programs.

DRIVING SCHOOL DOCUMENTATION

21. If a school typically contracts with a commercial driving school to offer the laboratory portion of the course, will schools need to submit renewed contracts and supporting documentation to NYSED?

Answer: If the school is using the parent/guardian supervision option for in-vehicle instruction, the DTSE program will be allowed to operate without needing to submit renewed contracts and supporting documentation from the driving school to NYSED. Schools utilizing the parent/guardian supervision option will need to complete and submit a brief form to indicate that the parent/guardian supervision option is being utilized so that NYSED can keep the approval status updated when driving school program elements expire. The school will be required to develop the learning outcomes for the driving portion of the course that will be completed by the parent. Please keep in mind that this guidance is only in effect until schools can safely reopen for full-time, in-person instruction. This may occur within the next school year, at which time programs would need to submit the appropriate documentation to maintain approved status.

STUDENT INFORMATION

22. I would like to enroll my child in driver's education. S/he was in the program until March 2020 when it was cancelled due to COVID. S/he will be 17 in November and is willing to sign up for the course as soon as possible. Is this allowable?

Answer: You will need to contact your local school district regarding enrollment in a NYSED-approved Driver and Traffic Safety Education (DTSE) program.

23. My child's driver's education class was canceled in spring 2020 due to COVID. The school is not offering a program in fall 2020. Is there any way s/he can get his/her Class D license at 17 at this point?

Answer: Successful completion of a NYSED-approved DTSE program is the only means by which a student under the age of 18 can earn an MV-285 Course Completion Certificate and be issued a Class D license by the New York State Department of Motor Vehicles (NYS DMV).

24. My child's high school is not offering any driver's education this school year. How do I find out which driving schools are certified through the DMV and the State Education Department to offer the 24 hours of in-class instruction virtually?

Answer: Driving schools cannot offer the 24-hour classroom portion of a DTSE program. The remote classroom component can only be offered by a NYSED-approved DTSE program. It is a local district decision whether to offer a DTSE program or not.

25. How can I affirm that my child has had 24 hours of parental in-vehicle instruction per the August 2020 guidance?

Answer: Please contact your local school district's DTSE program coordinator for information as they will provide the affirmation documentation for the 24 hours of in-vehicle instruction when supervised by a parent/guardian.

26. My child is about to turn 17 and has been driving with me for a number of months. Due to COVID, s/he will be unable to take traditional driver's education in school (or through another local high school), and I understand that the classroom portion of the program can be taken online. I further understand that as a parent I can cover the driving portion of his/her training. When s/he completes the online class and the in-vehicle instruction hours and passes the road test (at the age of 17), will s/he be granted a full license or a junior license (until the age of 18)?

Answer: If your child is enrolled in a NYSED-approved DTSE program through his/her school that offers the classroom portion of the program remotely and utilizes the option for parents to complete the in-car portion, and s/he successfully completes the program, then s/he may be eligible to receive a Class D license at 17 from the NYS DMV. For information regarding the different classes of licenses, please see the NYS DMV website.

27. Can eligible students begin driver's education courses this school year?

Answer: NYSED-approved DTSE programs may start new Fall 2020 classes with students. Students should contact their local school district to determine if a NYSED-approved DTSE program is offered.

28. Does the August 2020 guidance apply to students currently age 16 who would have signed up for a fall 2020 driver's education course and who have obtained a permit and completed the 5-Hour Pre-licensing Course?

Answer: Yes.

29. My child is an incoming senior who has a permit and a 5-Hour Certificate. S/he was not able to sign up for the fall 2020 course because it was paused due to COVID. Will s/he need this course to obtain a Class D license so that s/he can drive to college in fall 2021?

Answer: Students who have a permit, complete the 5-Hour Pre-licensing Course, and complete 50 hours of supervised driving are eligible to sit for the road test to earn their Class DJ license (Junior Operator). Please see the NYS DMV website for more information. In order to earn the Class D license under the age of 18, students must successfully complete a NYSED-approved DTSE program. Please contact your local school district for information regarding available DTSE programs.

30. Must students who were involved in driver's education in spring 2020 that was postponed due to COVID finish the required 24 hours of instruction to get their Class D license?

Answer: Yes.

31. What if students took the 5-hour course outside the driving school? Would those hours count towards the 24 hours required since they passed their road test?

Answer: Students must complete a full NYSED-approved DTSE program to earn their MV-285 Certificate of Completion and be eligible for the Class D license. This requires 24 hours of classroom instruction and 24 hours of laboratory (in-vehicle instruction). If the required driving hours to sit for their road test were taken separately from the NYSED-approved DTSE program, then those hours cannot count toward the 24 hours required for the laboratory portion of the DTSE program.