

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 22.1-205 of the Code of Virginia, relating to driver education programs*
3 *in Planning District 8.*

4 [H 2439]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 22.1-205 of the Code of Virginia is amended and reenacted as follows:**

8 § 22.1-205. Driver education programs.

9 A. The Board of Education shall establish for the public school system a standardized program of
10 driver education in the safe operation of motor vehicles. Such program shall consist of classroom
11 training and behind-the-wheel driver training. However, any student who participates in such a program
12 of driver education shall meet the academic requirements established by the Board, and no student in a
13 course shall be permitted to operate a motor vehicle without a license or permit to do so issued by the
14 Department of Motor Vehicles. The program shall include instruction concerning (i) alcohol and drug
15 abuse, (ii) aggressive driving, (iii) distracted driving, (iv) motorcycle awareness, (v) organ and tissue
16 donor awareness, (vi) fuel-efficient driving practices, and (vii) in Planning District 8, for any student
17 completing a driver education program beginning in academic year 2010 - 2011, an additional minimum
18 90-minute parent/student driver education component included as part of the in-classroom portion of the
19 driver education curriculum, requiring the participation of the student's parent or guardian and
20 emphasizing parental responsibilities regarding juvenile driver behavior, juvenile driving restrictions
21 pursuant to the Code of Virginia, and the dangers of driving while intoxicated and underage
22 consumption of alcohol. Such instruction shall be developed by the Department in cooperation with the
23 Virginia Alcohol Safety Action Program, the Department of Health, and the Department of Behavioral
24 Health and Developmental Services, as appropriate. Such program shall require a minimum number of
25 miles driven during the behind-the-wheel driver training.

26 B. The Board shall assist school divisions by preparation, publication and distribution of competent
27 driver education instructional materials to ensure a more complete understanding of the responsibilities
28 and duties of motor vehicle operators.

29 C. Each school board shall determine whether to offer the program of driver education in the safe
30 operation of motor vehicles and, if offered, whether such program shall be an elective or a required
31 course. In addition to the fee approved by the Board of Education pursuant to the appropriation act that
32 allows local school boards to charge a per pupil fee for behind-the-wheel driver education, the Board of
33 Education may authorize a local school board's request to assess a surcharge in order to further recover
34 program costs that exceed state funds distributed through basic aid to school divisions offering driver
35 education programs. Each school board may waive the fee or the surcharge in total or in part for those
36 students it determines cannot pay the fee or surcharge. Only school divisions complying with the
37 standardized program and regulations established by the Board of Education and the provisions of
38 § 46.2-335 shall be entitled to participate in the distribution of state funds appropriated for driver
39 education.

40 *School boards in Planning District 8 shall make the 90-minute parent/student driver education*
41 *component available to all students and their parents or guardians who are in compliance with*
42 *§ 22.1-254.*

43 D. The actual initial driving instruction shall be conducted, with motor vehicles equipped as may be
44 required by regulation of the Board of Education, on private or public property removed from public
45 highways if practicable; if impracticable, then, at the request of the school board, the Commonwealth
46 Transportation Board shall designate a suitable section of road near the school to be used for such
47 instruction. Such section of road shall be marked with signs, which the Commonwealth Transportation
48 Board shall supply, giving notice of its use for driving instruction. Such signs shall be removed at the
49 close of the instruction period. No vehicle other than those used for driver training shall be operated
50 between such signs at a speed in excess of 25 miles per hour. Violation of this limit shall be a Class 4
51 misdemeanor.

52 E. The Board of Education may, in its discretion, promulgate regulations for the use and certification
53 of paraprofessionals as teaching assistants in the driver education programs of school divisions.

54 F. The Board of Education shall approve correspondence courses for the classroom training
55 component of driver education. These correspondence courses shall be consistent in quality with
56 instructional programs developed by the Board for classroom training in the public schools. Students

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57 completing the correspondence courses for classroom training, who are eligible to take behind-the-wheel
58 driver training, may receive behind-the-wheel driver training (i) from a public school, upon payment of
59 the required fee, if the school division offers behind-the-wheel driver training and space is available, (ii)
60 from a driver training school licensed by the Department of Motor Vehicles, or (iii) in the case of a
61 home schooling parent or guardian instructing his own child who meets the requirements for home
62 school instruction under § 22.1-254.1 or subdivision B 1 of § 22.1-254, from a behind-the-wheel training
63 course approved by the Board. Nothing herein shall be construed to require any school division to
64 provide behind-the-wheel driver training to nonpublic school students.