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**HOUSE BILL NO. 110**

Offered January 11, 2012

Prefiled December 30, 2011

*A BILL to amend and reenact § 22.1-205 of the Code of Virginia, relating to student driver education; instruction on organ donation.*

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Patron—Bell, Richard P.

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Referred to Committee on Education

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

§ 22.1-205. Driver education programs.

A. The Board of Education shall establish for the public school system a standardized program of driver education in the safe operation of motor vehicles. Such program shall consist of classroom training and behind-the-wheel driver training. However, any student who participates in such a program of driver education shall meet the academic requirements established by the Board, and no student in a course shall be permitted to operate a motor vehicle without a license or permit to do so issued by the Department of Motor Vehicles. The program shall include instruction concerning (i) alcohol and drug abuse, (ii) aggressive driving, (iii) distracted driving, (iv) motorcycle awareness, (v) organ and tissue donor awareness, (vi) fuel-efficient driving practices, and (vii) in Planning District 8, for any student completing a driver education program beginning in academic year 2010 - 2011, an additional minimum 90-minute parent/student driver education component included as part of the in-classroom portion of the driver education curriculum, requiring the participation of the student's parent or guardian and emphasizing parental responsibilities regarding juvenile driver behavior, juvenile driving restrictions pursuant to the Code of Virginia, and the dangers of driving while intoxicated and underage consumption of alcohol. Such instruction shall be developed by the Department in cooperation with the Virginia Alcohol Safety Action Program, the Department of Health, and the Department of Behavioral Health and Developmental Services, as appropriate. Such program shall require a minimum number of miles driven during the behind-the-wheel driver training. *The "organ and tissue donor awareness" component required by clause (v) shall consist of at least 30 minutes of instruction consistent with the curriculum developed by the Board.*

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

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

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

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

E. The Board of Education may, in its discretion, promulgate regulations for the use and certification

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59 of paraprofessionals as teaching assistants in the driver education programs of school divisions.

60 F. The Board of Education shall approve correspondence courses for the classroom training  
61 component of driver education. These correspondence courses shall be consistent in quality with  
62 instructional programs developed by the Board for classroom training in the public schools. Students  
63 completing the correspondence courses for classroom training, who are eligible to take behind-the-wheel  
64 driver training, may receive behind-the-wheel driver training (i) from a public school, upon payment of  
65 the required fee, if the school division offers behind-the-wheel driver training and space is available, (ii)  
66 from a driver training school licensed by the Department of Motor Vehicles, or (iii) in the case of a  
67 home schooling parent or guardian instructing his own child who meets the requirements for home  
68 school instruction under § 22.1-254.1 or subdivision B 1 of § 22.1-254, from a behind-the-wheel training  
69 course approved by the Board. Nothing herein shall be construed to require any school division to  
70 provide behind-the-wheel driver training to nonpublic school students.

71 **2. That the Department of Education shall develop a curriculum to fulfill the organ and tissue**  
72 **donor awareness component of the driver education program. The curriculum shall be sufficient**  
73 **for a minimum of 30 minutes in duration and shall: (i) emphasize the benefits of organ and tissue**  
74 **donation to the health and well-being of society generally, and to individuals whose lives are saved**  
75 **by organ and tissue donations; (ii) fully address myths and understandings regarding organ and**  
76 **tissue donation; (iii) explain the options available to adults, including the option of designating a**  
77 **decision maker to make the donation decision on one's behalf; and (iv) instill an understanding of**  
78 **the consequences when an individual does not make a decision to become an organ donor or**  
79 **otherwise designate a decision maker.**