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SENATE BILL NO. 126

Offered January 10, 2018

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A BILL to amend and reenact §§ 22.1-205 and 46.2-1702 of the Code of Virginia, relating to driver education programs; parent/student driver education component.

Patron—Cosgrove

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-205 and 46.2-1702 of the Code of Virginia are 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.

1. The driver education program shall include (i) instruction concerning (a) alcohol and drug abuse; (b) aggressive driving; (c) distracted driving; (d) motorcycle awareness; (e) organ and tissue donor awareness; (f) fuel-efficient driving practices; and (g) traffic stops, including law-enforcement procedures for traffic stops, appropriate actions to be taken by drivers during traffic stops, and appropriate interactions with law-enforcement officers who initiate traffic stops, and (ii) ~~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.~~

2. ~~The parent/student driver education component may be administered in-classroom or online, except for components administered in Planning District 8, which shall be administered as part of the in-classroom portion of the driver education curriculum, requiring. Online providers of the parent/student driver education component shall be licensed as driver training schools pursuant to § 46.2-1702. The parent/student driver education component shall require the participation of the student's parent or guardian and emphasizing emphasize (i) parental responsibilities regarding juvenile driver behavior, (ii) juvenile driving restrictions pursuant to the Code of Virginia, and (iii) 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 3. Any driver education program shall require a minimum number of miles driven during the behind-the-wheel driver training.~~

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 Commissioner of Highways shall designate a suitable section of road near the school to be used for such instruction. Such

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59 section of road shall be marked with signs, which the Commissioner of Highways shall supply, giving
60 notice of its use for driving instruction. Such signs shall be removed at the close of the instruction
61 period. No vehicle other than those used for driver training shall be operated between such signs at a
62 speed in excess of 25 miles per hour. Violation of this limit shall be a Class 4 misdemeanor.

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

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

76 **§ 46.2-1702. Certification of driver education courses by Commissioner.**

77 Notwithstanding any other provision of law, the Commissioner shall have the authority to approve as
78 a driver education course satisfying the requirements of § 46.2-334 any course which is offered by any
79 driver training school licensed under the provisions of this chapter if he finds that the course is of
80 comparable content and quality to that offered in the Commonwealth's public schools. In making such
81 finding, the Commissioner shall not require that the instructors of any driver training school meet the
82 certification requirements of teachers in the Commonwealth's public schools.

83 Any comprehensive community college within the Virginia Community College System shall have
84 the authority to offer the courses required by the Virginia Board of Education to become a certified
85 driver education instructor in Virginia on a not-for-credit basis so long as the courses include the same
86 content and curriculum required by the Department of Education, enabling individuals who complete
87 those courses to then teach driver's education in Virginia driver education training schools upon official
88 certification by the Department of Motor Vehicles. The Virginia Department of Education shall provide
89 the curriculum, content, and other information regarding the courses required to become certified driver
90 education instructors in Virginia to any comprehensive community college within the Virginia
91 Community College System. The content of each course must be accurate and rigorous and must meet
92 the requirements for the Department of Education's Curriculum and Administrative Guide for Driver's
93 Education, which includes the Board of Education's standards of learning.

94 Except for schools in the Commonwealth's public school system and providers of correspondence
95 courses approved by the Board of Education pursuant to subsection F of § 22.1-205, only those driver
96 training schools that are licensed as computer-based driver education providers shall be authorized to
97 administer computer-based driver education courses, *including the parent/student driver education*
98 *component of the driver education curriculum as established in § 22.1-205.* The content and quality of
99 such computer-based driver education courses shall be comparable to that of courses offered in the
100 Commonwealth's public schools. The Commissioner may establish minimum standards for testing
101 students who have enrolled in computer-based driver education courses. Such standards may include (i)
102 requirements for the test site; (ii) verification that the person taking the test is the person enrolled in the
103 course; (iii) verification of the identity of the student using photo identification approved by the
104 Commissioner; and (iv) maintenance of a log containing the name and title of the licensed instructor
105 monitoring the test, the test date, the name of the student taking the test, and the student's time-in and
106 time-out of the test site. Computer-based driver education providers shall not issue a certificate of
107 completion to a student in Planning District 8 prior to receiving proof of completion of the ~~additional~~
108 ~~minimum 90-minute~~ parent/student driver education component pursuant to § 22.1-205.

109 Any driver training school licensed under the provisions of this chapter shall be authorized to provide
110 the ~~90-minute~~ parent/student driver education component ~~in Planning District 8 of the driver education~~
111 ~~curriculum pursuant to § 22.1-205. Only those driver training schools that are licensed as~~
112 ~~computer-based driver education providers shall be authorized to administer the parent/student driver~~
113 ~~education component of the driver education curriculum through a virtual, computer-based program.~~
114 Completion of such education component shall satisfy the requirement for the ~~additional 90-minute~~
115 ~~parent/student driver education component pursuant to § 22.1-205,~~ so long as there is participation of the
116 student's parent or guardian and the content provided is comparable to that which is offered in the
117 Commonwealth's public schools and emphasizes ~~(i)~~ (a) parental responsibilities regarding juvenile driver
118 behavior, ~~(ii)~~ (b) juvenile driving restrictions pursuant to this Code, and ~~(iii)~~ (c) the dangers of driving
119 while intoxicated and underage consumption of alcohol.

120 The Commissioner shall have authority to approve any driver education course offered by any Class

121 A licensee if he finds the course meets the requirements for such courses as set forth in this chapter and
122 as otherwise established by the Department. Class A licensees shall not be permitted to administer
123 knowledge or behind-the-wheel examinations. Driver education courses offered by any Class B licensee
124 shall be based on the driver education curriculum currently approved by the Department of Education
125 and the Department.
126 The Commissioner may accept 20 years' service with the Virginia Department of State Police by a
127 person who retired or resigned while in good standing from such Department in lieu of requirements
128 established by the Department of Education for instructor qualification.