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HOUSE BILL NO. 2119

Offered January 13, 2021

Prefiled January 12, 2021

A BILL to amend and reenact § 22.1-205 of the Code of Virginia, relating to student driver education program; parent participation exemption.

Patrons—Keam, Kory, Levine and Tyler; Senator: Boysko

Referred to Committee on Education

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 other document issued by the Department of Motor Vehicles under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, or the comparable law of another jurisdiction, authorizing the operation of a motor vehicle upon the highways.

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, an additional minimum 90-minute parent/student driver education component. The additional parent/student driver education component may be provided to students outside Planning District 8, at the discretion of each local school board.

2. The parent/student driver education component shall be administered as part of the classroom portion of the driver education curriculum. In Planning District 8, the parent/student driver education component shall be administered in-person. Outside Planning District 8, the parent/student driver education component may be administered either in-person or online by a public school or driver training schools that are licensed as computer-based driver education providers. For students in Planning District 8 and those students in school divisions that offer the parent/student component, the participation of the student's parent or guardian shall be required *unless the student is (i) at least 18 years of age, (ii) an emancipated minor, or (iii) an unaccompanied minor who is not in the physical custody of his parent or guardian*, and the program shall emphasize ~~(i)~~ *(a)* parental responsibilities regarding juvenile driver behavior, ~~(ii)~~ *(b)* juvenile driving restrictions pursuant to the Code of Virginia, and ~~(iii)~~ *(c)* 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. Nothing in this subdivision precludes any school division outside Planning District 8 from including a program of parental involvement as part of a driver education program in addition to or as an alternative to the minimum 90-minute parent/student driver education component.

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

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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 section of road shall be marked with signs, which the Commissioner of Highways 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 of paraprofessionals as teaching assistants in the driver education programs of school divisions.

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