

LD4814324

HOUSE BILL NO. 2007

Offered January 23, 1995

A *BILL to amend and reenact §§ 22.1-205, 22.1-206, 22.1-207.1, 22.1-207.2, 22.1-209, 22.1-209.1:1, 22.1-224, 22.1-253.13:1, 22.1-253.13:3, 22.1-253.13:5, 22.1-253.13:6, and 46.2-334, as it is currently effective and as it may become effective, of the Code of Virginia, relating to subjects taught in public schools.*

Patron—Marshall

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-205, 22.1-206, 22.1-207.1, 22.1-207.2, 22.1-209, 22.1-209.1:1, 22.1-224, 22.1-253.13:1, 22.1-253.13:5, 22.1-253.13:6, and 46.2-334, as it is currently effective and as it may become effective, of the Code of Virginia, are amended and reenacted as follows:

§ 22.1-205. Driver education programs.

A. The Board of Education ~~shall~~ *may* 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, and instruction concerning alcohol and drug abuse. Such instruction shall be developed by the Department in cooperation with the Commission on the Virginia Alcohol Safety Action Program and the Department of Mental Health, Mental Retardation and Substance Abuse Services.~~ 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 alcohol and drug abuse. Such instruction shall be developed by the Department in cooperation with the Virginia Alcohol Safety Action Program and the Department of Mental Health, Mental Retardation and Substance Abuse Services.~~

B. The Board ~~shall~~ *may* 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~~ *may offer the* a program of driver education in the safe operation of motor vehicles and; ~~if offered, may determine whether such program shall be an elective or a required course. Only school divisions complying with the standardized program and regulations as may be 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.~~

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 twenty-five 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.

§ 22.1-206. Instruction concerning drugs and drug abuse.

~~Instruction~~ A school board *may provide instruction* concerning drugs and drug abuse ~~shall be provided by~~ in the public schools as ~~prescribed by the Board of Education of the school division.~~

§ 22.1-207.1. Family life education.

The Board of Education ~~shall~~ *may* develop by ~~December 1, 1987,~~ standards of learning and curriculum guidelines for a comprehensive, sequential family life education curriculum in grades K through 12. Such curriculum guidelines shall include instruction as appropriate for the age of the student in family living and community relationships, the value of postponing sexual activity, human sexuality, human reproduction, and the etiology, prevention and effects of sexually transmitted diseases. All such instruction shall be designed to promote parental involvement, foster positive self-concepts and provide mechanisms for coping with peer pressure and the stresses of modern living according to the students' developmental stages and abilities. The Board ~~shall~~ *may* also establish by ~~December 1, 1987,~~ requirements for appropriate training for teachers of family life education.

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60 By December 1, 1987, the Board of Education shall provide the House Committee on Appropriations
61 and the Senate Committee on Finance an analysis of the state and local fiscal impact of implementing a
62 mandatory statewide family life education program and a recommended apportionment of state and local
63 funding for such programs if not otherwise determined by law.

64 A school board may implement the family life education program developed by the Board of
65 Education or a locally established family life education program.

66 § 22.1-207.2. Right of parents to review certain materials; summaries distributed on request.

67 Every parent, guardian or other person in the Commonwealth having control or charge of any child
68 who is required by § 22.1-254 A to send such child to a public school shall have the right to review the
69 complete family life curricula, including all supplemental materials used in any family life education
70 program. A Each school board implementing a family life education program shall keep a complete
71 copy of all printed materials and a description of all audio-visual materials ~~shall be kept~~ in the school
72 library or office and ~~made~~ make such materials available for review to any parent or guardian during
73 school office hours before and during the school year. The audio-visual materials shall be made
74 available to parents for review, upon request, on the same basis as printed materials are made available.

75 Each such school board shall develop and, when so requested by an individual parent or guardian of
76 a student participating in the family life education program, distribute to that parent or guardian, a
77 summary designed to assist parents in understanding the program implemented in its school division as
78 such program progresses and to encourage parental guidance and involvement in the instruction of the
79 students. Such information shall reflect the curricula of the program as taught in the classroom.

80 § 22.1-209. Employment counseling and placement services.

81 A. Each school board ~~shall may~~ make available to secondary students employment counseling and
82 placement services to furnish information relating to the employment opportunities available to students
83 graduating from or leaving the public schools in the school division ~~which~~. Such services, if offered,
84 shall include all types of employment opportunities, including but not limited to, apprenticeships, the
85 military, and career education schools.

86 B. No fee, compensation or other consideration shall be charged to or received from any student
87 utilizing such services.

88 C. In providing such services, the school board shall consult and cooperate with the Virginia
89 Employment Commission, the Department of Labor and Industry, local business and labor organizations,
90 and such career schools as may be approved by the Board.

91 D. The Board of Education may recommend methods for providing such services. The State
92 Department of Education may provide assistance to school divisions in establishing and providing such
93 services upon request.

94 § 22.1-209.1:1. Noncompetitive grants program for school drop out prevention.

95 With such funds as are appropriated for this purpose, the Board of Education ~~shall may~~ establish a
96 program for the prevention of school ~~dropout~~ drop out. All school divisions shall be eligible to receive
97 such grants under the following conditions:

98 1. The local school dropout prevention program includes components which emphasize prevention,
99 intervention, retrieval, and parental and community involvement;

100 2. The program includes a component specifically designed to eliminate the poor academic
101 achievement among disadvantaged students in the school divisions; and

102 3. The program includes a component for oversight and evaluation of program effectiveness.

103 The Board of Education ~~shall may~~ establish a full-time dropout prevention unit and ~~shall may~~ employ
104 such professional and support staff as may be necessary to implement the grants program, provide
105 coordination for the statewide dropout prevention program and technical assistance to school divisions
106 and to monitor such local dropout prevention programs to ensure compliance and uniformity in the
107 interpretation and application of such rules and regulations as may be adopted by the Board.

108 § 22.1-224. Duties of State Board.

109 The Board of Education ~~shall~~, in its discretion, may:

110 1. Stimulate and encourage the development of adult education programs in every school division;

111 2. Stimulate and encourage coordination in the development and provision of adult education
112 programs between school boards and other state, federal, local, public and private agencies;

113 3. Promulgate appropriate standards and guidelines for adult education programs;

114 4. Accept and administer grants, gifts, services, and funds from available sources for use in adult
115 education programs.

116 § 22.1-253.13:1. Standard 1. Basic skills, selected programs, and instructional personnel.

117 A. The General Assembly and the Board of Education believe that the fundamental goal of the
118 public schools of this Commonwealth must be to enable each student to develop the skills that are
119 necessary for success in school and preparation for life, and find that the quality of education is
120 dependent upon the provision of the appropriate working environment, benefits, and salaries necessary to
121 ensure the availability of high quality instructional personnel and adequate commitment of other

resources.

B. The Board of Education shall establish educational objectives to implement the development of the skills that are necessary for success in school and for preparation for life in the years beyond. The current educational objectives, known as the Standards of Learning, shall not be construed to be regulations as defined in § 9-6.14:4; however, the Board of Education may, from time to time, revise these educational objectives. In order to provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board of Education shall conduct public hearings prior to establishing new educational objectives. Thirty days prior to conducting such hearings, the Board shall give written notice by mail of the date, time, and place of the hearings to all local school boards and any other persons requesting to be notified of the hearings and publish notice of its intention to revise these educational objectives in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to final adoption of any revisions of these educational objectives.

The Board shall seek to ensure that any revised educational objectives are consistent with the world's highest educational standards. However, no revisions shall be implemented prior to July 1, 1994. These objectives shall ~~include, but not~~ be limited to, ~~the~~ basic skills of communication, computation and critical reasoning including problem solving and decision making, and the development of personal qualities such as ~~self-esteem, sociability, self-management, self-discipline,~~ integrity, and honesty. School boards shall implement these objectives or objectives specifically designed for their school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected to achieve the educational objectives utilized by the school division at appropriate age or grade levels. With such funds as are available for this purpose, the Board of Education may prescribe assessment methods to determine the level of achievement of these objectives by all students.

C. Local school boards shall develop and implement a program of instruction for grades K through 12 which emphasizes reading, writing, speaking, mathematical concepts and computations, and scientific concepts and processes; essential skills and concepts of citizenship, including knowledge of history, economics, government, foreign languages, international cultures, health, ~~environmental issues and~~ geography necessary for responsible participation in American society and in the international community; ~~fine arts and practical arts;~~ knowledge and skills needed to qualify for further education and employment or, in the case of some handicapped children, to qualify for appropriate training; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning.

Local school boards ~~shall also~~ *may* develop and implement ~~programs a program of prevention, intervention, or remediation for students who are educationally at risk including, but not limited to, those whose scores are in the bottom national quartile on Virginia State Assessment Program Tests, or instruction for grades K-12 which emphasizes foreign languages, international cultures, environmental issues, and fine and practical arts. Students who do not pass the literacy test prescribed by the Board of Education. Division superintendents may require such students be required to take special programs of prevention, intervention, or remediation which may include attendance in public summer school sessions. Students required to~~ *who* attend such summer school sessions shall not be charged tuition. Based on the number of students attending and the Commonwealth's share of the per pupil costs, additional state funds ~~shall may~~ be provided for summer remediation programs as set forth in the appropriation act.

D. Local school boards ~~shall may~~ also implement the following:

1. Programs in grades K through 3 which emphasize developmentally appropriate learning to enhance success.

2. Programs based on prevention, intervention, or retrieval designed to increase the number of students who earn a high school diploma or general education development (GED) certificate. As *may* be provided in the appropriation act, state funding, in addition to basic aid, ~~shall may~~ be allocated to support programs grounded in sound educational policy to reduce the number of students who drop out of school.

3. Career education programs infused into the K through 12 curricula that promote knowledge of careers and all types of employment opportunities including but not limited to, apprenticeships, the military, and career education schools, and emphasize the advantages of completing school with marketable skills. School boards may include career exploration opportunities in the middle school grades.

4. Competency-based vocational education programs, which integrate academic outcomes, career guidance and job-seeking skills for all secondary students including those identified as handicapped that reflect employment opportunities, labor market needs, applied basic skills, job-seeking skills, and career guidance. Career guidance shall include employment counseling designed to furnish information on available employment opportunities to all students, including those identified as handicapped, and placement services for students exiting school. Each school board ~~shall may~~ develop and implement a

183 plan to ensure compliance with the provisions of this subsection.

184 5. Academic and vocational preparation for students who plan to continue their education beyond
185 secondary school or who plan to enter employment.

186 6. Early identification of handicapped students and enrollment of such students in appropriate
187 instructional programs consistent with state and federal law.

188 7- 6. Early identification of gifted students and enrollment of such students in appropriately
189 differentiated instructional programs.

190 8- 7. Educational alternatives for students whose needs are not met in programs prescribed elsewhere
191 in these standards. Such students shall be counted in average daily membership (ADM) in accordance
192 with the regulations of the Board of Education.

193 9-8. Adult education programs for individuals functioning below the high school completion level.
194 Such programs may be conducted by the school board as the primary agency or through a collaborative
195 arrangement between the school board and other agencies.

196 10-9. A plan to make achievements for students who are educationally at risk a divisionwide priority
197 which shall may include procedures for measuring the progress of such students.

198 *E. Each school board shall provide for the early identification of students with disabilities and for*
199 *the enrollment of such students in appropriate instructional programs consistent with state and federal*
200 *law.*

201 *EF.* Each local school board shall employ with state and local basic, special education, gifted, and
202 vocational education funds a minimum number of licensed, full-time equivalent instructional personnel
203 for each 1,000 students in average daily membership (ADM) as set forth in the appropriation act.
204 Calculations of kindergarten positions shall be based on full-day kindergarten programs. Beginning with
205 the March 31 report of average daily membership, those school divisions offering half-day kindergarten
206 shall adjust their average daily membership for kindergarten to reflect eighty-five percent of the total
207 kindergarten average daily memberships.

208 *F-G.* In addition to the positions supported by basic aid and in support of regular school year
209 remedial programs, state funding, *as may be appropriated for such purpose* pursuant to the appropriation
210 act, shall be provided to fund certain full-time equivalent instructional positions for each 1,000 students
211 in grades K through 12 estimated to score in the bottom national quartile on Virginia State Assessment
212 Program Tests and those who fail the literacy tests prescribed by the Board. State funding for remedial
213 programs provided pursuant to this subsection and the appropriation act may be used to support
214 programs for educationally at-risk students as identified by the local school boards. The Board of
215 Education shall establish criteria for identification of educationally at-risk students, which shall not be
216 construed to be regulations as defined in § 9-6.14:4; however, the Board of Education may, from time to
217 time, revise these identification criteria. In order to provide appropriate opportunity for input from the
218 general public, teachers, and local school boards, the Board of Education shall conduct public hearings
219 prior to establishing or revising such identification criteria. Thirty days prior to conducting such
220 hearings, the Board shall give written notice by mail of the date, time, and place of the hearings to all
221 local school boards and any other persons requesting to be notified of the hearings and publish notice of
222 its intention to establish or revise such identification criteria in the Virginia Register of Regulations.
223 Interested parties shall be given reasonable opportunity to be heard and present information prior to final
224 adoption of any such identification criteria or revisions thereto.

225 *G. H.* Licensed instructional personnel shall be assigned by each school board in a manner that
226 produces divisionwide ratios of students in average daily membership to full-time equivalent teaching
227 positions, excluding special education teachers, principals, assistant principals, counselors, and librarians,
228 that are not greater than the following ratios: (i) twenty-five to one in kindergarten with no class being
229 larger than thirty students; if the average daily membership in any kindergarten class exceeds
230 twenty-five pupils, a full-time teacher's aide shall be assigned to the class; (ii) twenty-four to one in
231 grade one with no class being larger than thirty students; (iii) twenty-five to one in grades two and three
232 with no class being larger than thirty students; (iv) twenty-five to one in grades four through six with no
233 class being larger than thirty-five students; ~~and~~ (v) twenty-four to one in English classes in grades six
234 through twelve; *and (vi) twenty-five to one in home economics and technology education classes in*
235 *grades six through eight with no laboratory class for such subjects being larger than twenty-five*
236 *students. However, divisionwide ratios of students in average daily membership to full-time equivalent*
237 *teaching positions established for mathematics, science, and social studies classes in grades six through*
238 *eight shall not be required in such grades when team teaching is provided.*

239 *I.* After July 1, 1995, school boards shall not be required to implement additional state nonacademic
240 requirements unless such requirements have been funded fully by the Commonwealth.

241 Further, pursuant to the appropriation act, school boards may implement in kindergarten through third
242 grade, within certain schools, lower ratios of students in average daily membership to full-time
243 equivalent teaching positions by assigning instructional personnel in a manner that produces ratios of
244 students in average daily membership to full-time equivalent teaching positions, excluding special

education teachers, principals, assistant principals, counselors, and librarians, as follows: (i) in schools having high concentrations of at-risk students, eighteen to one; and (ii) in schools having moderate concentrations of at-risk students, twenty to one. For the purposes of this subsection, "schools having high concentrations of at-risk students" and "schools having moderate concentrations of at-risk students" shall be defined in the appropriation act.

In addition, instructional personnel shall be assigned by each school board in a manner that produces schoolwide ratios of students in average daily memberships to full-time equivalent teaching positions of twenty-five to one in middle schools and high schools.

§ 22.1-253.13:5. Standard 5. Training and professional development.

A. The General Assembly and the Board of Education find that effective educational leadership and personnel and appropriate programs of professional development and training are essential for the advancement of public education in the Commonwealth.

B. Each member of the Board of Education ~~shall~~ *may* participate in in-service programs on personnel, curriculum and current issues in education as part of his service on the Board.

C. The Board of Education ~~shall~~ *may* sponsor, conduct or provide advice on (i) training and professional development of teachers, principals, supervisors, division superintendents and other school staff and (ii) in-service programs for school board members on personnel, curriculum and current issues in education.

D. Each local school board ~~shall~~ *may* require (i) its members to participate annually in in-service programs on personnel, curriculum and current issues in education as part of their service on the local board and (ii) require the division superintendent to participate annually in professional development activities at the local, state or national levels.

E. Each local school board ~~shall~~ *may* provide (i) a program of professional development, as part of the license renewal process, to assist teachers and principals in acquiring the skills needed to work with gifted students and handicapped students and to increase student achievement and (ii) a program of professional development for administrative personnel designed to increase proficiency in instructional leadership and management.

§ 22.1-253.13:6. Standard 6. Planning and public involvement.

A. The General Assembly and the Board of Education believe that careful planning is essential for providing educational programs of high quality and that public involvement is a fundamental component of meaningful planning for public schools.

B. The Board of Education ~~shall~~ *may* revise, extend and adopt biennially a statewide six-year improvement plan which shall be developed with statewide participation and shall be available for public inspection and copying. This plan shall include the objectives of public education in Virginia, an assessment of the extent to which these objectives are being achieved, a forecast of enrollment changes and an assessment of the needs of public education in the Commonwealth. In the annual report required by § 22.1-18, the Board shall include an analysis of the extent to which these Standards of Quality have been achieved and the objectives of the statewide six-year improvement plan have been met.

C. Each local school board ~~shall~~ *may* revise, extend and adopt biennially a divisionwide six-year improvement plan which shall be developed with staff and community involvement. Prior to the adoption of any divisionwide six-year improvement plan, each local school board shall make the plan available for public inspection and copying and shall conduct at least one public hearing to solicit public comment on the divisionwide plan. Each public school ~~shall~~ *may* prepare a biennial plan which shall be given consideration by its school board in the development of the divisionwide six-year improvement plan. The divisionwide six-year improvement plan shall include the objectives of the school division, an assessment of the extent to which these objectives are being achieved, a forecast of enrollment changes, a plan for managing enrollment changes including consideration of the consolidation of schools to provide for a more comprehensive and effective delivery of instructional services to students and economies in school operations, an evaluation of the appropriateness of providing certain regional services in cooperation with neighboring school divisions, a plan for implementing such regional services when appropriate, a technology component consistent with the six-year technology plan for Virginia adopted by the Board of Education, and an assessment of the needs of the school division and evidence of community participation in the development of the plan. A report shall be presented by each school board to the public by November 1 of each odd-numbered year on the extent to which the objectives of the divisionwide six-year improvement plan have been met during the previous two school years.

§ 46.2-334. (For effective date - See note) Persons under eighteen; exception as to and procedure for licensing persons of sixteen and under eighteen.

No driver's license shall be issued to any person under the age of eighteen years except that:

1. A driver's license may be issued to a minor of the age of sixteen years on proper application and on satisfactory evidence that he (i) is a resident of the Commonwealth; (ii) has successfully completed a

driver education course *as may be* approved by either the ~~State Department~~ Board of Education or, in the case of a course offered by a commercial driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) of this title, *approved* by the Department of Motor Vehicles; and (iii) is mentally, physically, and otherwise qualified to drive a motor vehicle with safety. The application must be signed by a parent of the applicant, otherwise by the guardian having custody of him. However, in the event a minor has no parent or guardian, then a driver's license shall not be issued to him unless his application is signed by the judge of the juvenile and domestic relations district court of the city or county in which he resides. If the minor making the application is married, in lieu of any signature required in the preceding provisions of this section, on presentation of proper evidence of the solemnization of the marriage, the spouse of the minor may sign the application, if the spouse is over the age of eighteen years. Any parent, spouse, or guardian, as the case may be, may thereafter file with the Department a written request that the license of the minor so granted be cancelled. When such a request is filed, the Department shall cancel the license of the minor and the license shall not thereafter be reissued by the Department until a period of six months has elapsed from the date of cancellation. The minor shall be required to state in his application whether or not he has been convicted of an offense triable by, or tried in, a juvenile and domestic relations district court or found by such court to be a child in need of supervision, as defined in § 16.1-228. If it appears that the minor has been adjudged not innocent of the offense alleged or has been found to be a child in need of supervision, the Department shall not issue a license without the written approval of the judge of the juvenile and domestic relations district court making an adjudication as to the minor or the like approval of a similar court of the county or city in which the parent, guardian, or spouse, respectively, of the minor resides.

1a. The application for a driver's license by a minor of the age of persons required to attend school pursuant to § 22.1-254 shall be accompanied by evidence of compliance with Article 1 (§ 22.1-254 et seq.) of Chapter 14 of Title 22.1 on a form furnished by the Board of Education and certified by the division superintendent or any of his designees, *or by presentation of either an official recent report card or a sworn statement or affirmation of the parent or guardian of the child that he is in compliance with the compulsory school attendance laws*. If the minor is unable to furnish such evidence, the minor shall not be granted a driver's license until evidence in a form and manner prescribed by the Board of Education is provided that the minor has received counseling on the importance of school attendance, school enrollment and completion of an educational program.

1b. A minor may present a high school diploma or its equivalent or a certificate indicating completion of a prescribed course of study as defined by the local school board pursuant to § 22.1-253.13:4.

1c. The applicant shall certify in writing, on a form prescribed by the Commissioner, that he is a resident of the Commonwealth. The applicant's parent, guardian, or spouse over the age of eighteen shall also certify that the applicant is a resident by signing the certification.

2. The provisions of subdivision 1 of this section requiring that an application for a driver's license be signed by the parent, guardian, or spouse over the age of eighteen shall be waived by the Commissioner if the application is accompanied by a certified copy of a court order, issued under the provisions of Article 15 (§ 16.1-331 et seq.) of Chapter 11 of Title 16.1, declaring the applicant to be an emancipated minor.

3. Notwithstanding the provisions of subdivision 1 of this section requiring the successful completion of a driver education course approved by the ~~State Department~~ Board of Education, the Commissioner, on application therefor by a person at least sixteen years of age but less than eighteen years of age, shall issue to the applicant a temporary driver's license valid for six months provided he (i) certifies by signing, together with his parent, guardian, or spouse over the age of eighteen, a certification statement on a form prescribed by the Commissioner that he is a resident of the Commonwealth; (ii) is the holder of a valid driver's license from another state; and (iii) has not been found guilty of or otherwise responsible for an offense involving the operation of a motor vehicle. No temporary license issued under this subdivision shall be renewed, nor shall any second or subsequent temporary license under this subdivision be issued to the same applicant.

§ 46.2-334. (Delayed effective date - See notes) Persons under eighteen; exception as to and procedure for licensing persons of sixteen and under eighteen.

No driver's license shall be issued to any person under the age of eighteen years except that:

1. A driver's license may be issued to a minor of the age of sixteen years on proper application and on satisfactory evidence that he (i) is a resident of the Commonwealth, (ii) has successfully completed a driver education course *as may be* approved by either the ~~State Department~~ Board of Education or, in the case of a course offered by a commercial driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) of this title, *approved* by the Department of Motor Vehicles and (iii) is mentally, physically, and otherwise qualified to drive a motor vehicle with safety. The application must be signed by a parent of the applicant, otherwise by the guardian having custody of him. However, in the event a minor has no parent or guardian, then a driver's license shall not be issued to him unless his application

is signed by the judge of the family court of the city or county in which he resides. If the minor making the application is married, in lieu of any signature required in the preceding provisions of this section, on presentation of proper evidence of the solemnization of the marriage, the spouse of the minor may sign the application, if the spouse is over the age of eighteen years. Any parent, spouse, or guardian, as the case may be, may thereafter file with the Department a written request that the license of the minor so granted be cancelled. When such a request is filed, the Department shall cancel the license of the minor and the license shall not thereafter be reissued by the Department until a period of six months has elapsed from the date of cancellation. The minor shall be required to state in his application whether or not he has been convicted of an offense triable by, or tried in, a family court or found by such court to be a child in need of supervision, as defined in § 16.1-228. If it appears that the minor has been adjudged not innocent of the offense alleged or has been found to be a child in need of supervision, the Department shall not issue a license without the written approval of the judge of the family court making an adjudication as to the minor or the like approval of a similar court of the county or city in which the parent, guardian, or spouse, respectively, of the minor resides.

1a. The application for a driver's license by a minor of the age of persons required to attend school pursuant to § 22.1-254 shall be accompanied by evidence of compliance with Article 1 (§ 22.1-254 et seq.) of Chapter 14 of Title 22.1 on a form furnished by the Board of Education and certified by the division superintendent or any of his designees, *or by presentation of either an official recent report card or a sworn statement or affirmation of the parent or guardian of the child that he is in compliance with the compulsory school attendance laws.* If the minor is unable to furnish such evidence, the minor shall not be granted a driver's license until evidence in a form and manner prescribed by the Board of Education is provided that the minor has received counseling on the importance of school attendance, school enrollment and completion of an educational program.

1b. A minor may present a high school diploma or its equivalent or a certificate indicating completion of a prescribed course of study as defined by the local school board pursuant to § 22.1-253.13:4.

1c. The applicant shall certify in writing, on a form prescribed by the Commissioner, that he is a resident of the Commonwealth. The applicant's parent, guardian, or spouse over the age of eighteen shall also certify that the applicant is a resident by signing the certification.

2. The provisions of subdivision 1 of this section requiring that an application for a driver's license be signed by the parent, guardian, or spouse over the age of eighteen shall be waived by the Commissioner if the application is accompanied by a certified copy of a court order, issued under the provisions of Article 15 (§ 16.1-331 et seq.) of Chapter 11 of Title 16.1, declaring the applicant to be an emancipated minor.

3. Notwithstanding the provisions of subdivision 1 of this section requiring the successful completion of a driver education course approved by the ~~State Department~~ Board of Education, the Commissioner, on application therefor by a person at least sixteen years of age but less than eighteen years of age, shall issue to the applicant a temporary driver's license valid for six months provided he (i) certifies by signing, together with his parent, guardian, or spouse over the age of eighteen, a certification statement on a form prescribed by the Commissioner that he is a resident of the Commonwealth; (ii) is the holder of a valid driver's license from another state; and (iii) has not been found guilty of or otherwise responsible for an offense involving the operation of a motor vehicle. No temporary license issued under this subdivision shall be renewed, nor shall any second or subsequent temporary license under this subdivision be issued to the same applicant.