

## 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 *instruction concerning traffic stops.*

4 [H 2290]

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 (i) instruction concerning ~~(i)~~ (a) alcohol and  
 15 drug abuse; ~~(ii)~~; (b) aggressive driving; ~~(iii)~~; (c) distracted driving; ~~(iv)~~; (d) motorcycle awareness; ~~(v)~~;  
 16 (e) organ and tissue donor awareness; ~~(vi)~~; (f) fuel-efficient driving practices; and (g) traffic stops,  
 17 including law-enforcement procedures for traffic stops, appropriate actions to be taken by drivers during  
 18 traffic stops, and appropriate interactions with law-enforcement officers who initiate traffic stops, and  
 19 ~~(vii)~~ (ii) in Planning District 8, for any student completing a driver education program beginning in  
 20 academic year 2010 — 2011, an additional minimum 90-minute parent/student driver education  
 21 component ~~included~~ as part of the in-classroom portion of the driver education curriculum, requiring the  
 22 participation of the student's parent or guardian and emphasizing parental responsibilities regarding  
 23 juvenile driver behavior, juvenile driving restrictions pursuant to the Code of Virginia, and the dangers  
 24 of driving while intoxicated and underage consumption of alcohol. Such instruction shall be developed  
 25 by the Department in cooperation with the Virginia Alcohol Safety Action Program, the Department of  
 26 Health, and the Department of Behavioral Health and Developmental Services, as appropriate. Such  
 27 program shall require a minimum number of miles driven during the behind-the-wheel driver training.

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

31 C. Each school board shall determine whether to offer the program of driver education in the safe  
 32 operation of motor vehicles and, if offered, whether such program shall be an elective or a required  
 33 course. In addition to the fee approved by the Board of Education pursuant to the appropriation act that  
 34 allows local school boards to charge a per pupil fee for behind-the-wheel driver education, the Board of  
 35 Education may authorize a local school board's request to assess a surcharge in order to further recover  
 36 program costs that exceed state funds distributed through basic aid to school divisions offering driver  
 37 education programs. Each school board may waive the fee or the surcharge in total or in part for those  
 38 students it determines cannot pay the fee or surcharge. Only school divisions complying with the  
 39 standardized program and regulations established by the Board of Education and the provisions of  
 40 § 46.2-335 shall be entitled to participate in the distribution of state funds appropriated for driver  
 41 education.

42 School boards in Planning District 8 shall make the 90-minute parent/student driver education  
 43 component available to all students and their parents or guardians who are in compliance with  
 44 § 22.1-254.

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

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

55 F. The Board of Education shall approve correspondence courses for the classroom training  
 56 component of driver education. These correspondence courses shall be consistent in quality with

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