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HOUSE BILL NO. 1077

Offered January 10, 2018

Prefiled January 10, 2018

A BILL to amend and reenact § 46.2-1702 of the Code of Virginia, relating to driver education courses; virtual testing.

Patron—Filler-Corn

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That § 46.2-1702 of the Code of Virginia is amended and reenacted as follows:****§ 46.2-1702. Certification of driver education courses by Commissioner.**

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

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

Except for schools in the Commonwealth's public school system and providers of correspondence courses approved by the Board of Education pursuant to subsection F of § 22.1-205, only those driver training schools that are licensed as computer-based driver education providers shall be authorized to administer computer-based driver education courses. The content and quality of such computer-based driver education courses shall be comparable to that of courses offered in the Commonwealth's public schools. The Commissioner may establish minimum standards for testing students who have enrolled in computer-based driver education courses that shall apply to all such testing that is required by the Board of Education curriculum. Such standards may include (i) requirements for the test site; (ii) verification that the person taking the test is the person enrolled in the course; (iii) verification of the identity of the student using photo identification approved by the Commissioner; and (iv) maintenance of a log containing the name and title of the licensed instructor monitoring the test, the test date, the name of the student taking the test, and the student's time-in and time-out of the test site.

Computer-based driver education courses conducting testing required by the Department of Education curriculum may provide such testing in person, in compliance with the standards established by the Commissioner, or virtually through a computer-based program, so long as such computer-based testing can provide for (a) verification that the person taking the test is the person enrolled in the course; (b) verification of the identity of the student, using photo identification approved by the Commissioner; (c) verification that a licensed instructor is visually monitoring the computer-based testing process; (iv) maintenance of a log containing the name and title of the licensed instructor who is monitoring the computer-based testing, the test date, the name of the student taking the test, and the student's start time and completion time on the computer-based testing program; and (v) communication between the student and instructor in a live recorded video, chat, or similar interface that allows the instructor to observe the student but does not allow the student to view the instructor. All testing session video must be recorded and maintained for a minimum of three years.

Computer-based driver education providers shall not issue a certificate of completion to a student in Planning District 8 prior to receiving proof of completion of the additional minimum 90-minute parent/student driver education component pursuant to § 22.1-205.

Any driver training school licensed under the provisions of this chapter shall be authorized to provide the 90-minute parent/student driver education component in Planning District 8. Completion of such

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HB1077

59 education component shall satisfy the requirement for the additional 90-minute parent/student driver
60 education component pursuant to § 22.1-205, so long as there is participation of the student's parent or
61 guardian and the content provided is comparable to that which is offered in the Commonwealth's public
62 schools and emphasizes (i) parental responsibilities regarding juvenile driver behavior, (ii) juvenile
63 driving restrictions pursuant to this Code, and (iii) the dangers of driving while intoxicated and underage
64 consumption of alcohol.

65 The Commissioner shall have authority to approve any driver education course offered by any Class
66 A licensee if he finds the course meets the requirements for such courses as set forth in this chapter and
67 as otherwise established by the Department. Class A licensees shall not be permitted to administer
68 knowledge or behind-the-wheel examinations. Driver education courses offered by any Class B licensee
69 shall be based on the driver education curriculum currently approved by the Department of Education
70 and the Department.

71 The Commissioner may accept 20 years' service with the Virginia Department of State Police by a
72 person who retired or resigned while in good standing from such Department in lieu of requirements
73 established by the Department of Education for instructor qualification.