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SENATE BILL NO. 78

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Education
on February 28, 2022)

(Patron Prior to Substitute—Senator Norment)

*A BILL to amend and reenact §§ 22.1-205 and 46.2-1702 of the Code of Virginia, relating to Board of Education; driver education programs; parent/student driver education.***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 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) the dangers of distracted driving and speeding; (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 as part of the classroom portion of the driver education curriculum.~~ However, in any school division in which the parent/student driver education component is required, no student who is (1) at least 18 years of age, (2) an emancipated minor, or (3) an unaccompanied minor who is not in the physical custody of his parent or guardian shall be required to participate in such the parent/student driver education component.

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 a driver training school that is licensed as a computer-based driver education provider. ~~For students in Planning District 8 and those students in school divisions that offer the parent/student driver education component who are not otherwise exempted from participation in the parent/student driver education component pursuant to the provisions of subdivision 1, the~~ The participation of the student's parent or guardian in the parent/student driver education component shall be required unless the student is otherwise exempted from participation in the parent/student driver education component pursuant to the provisions of subdivision 1, and the program shall emphasize (i) parental responsibilities regarding juvenile driver behavior, (ii) juvenile driving restrictions pursuant to the this Code of Virginia, and, (iii) the dangers of driving while intoxicated and underage consumption of alcohol, and (iv) the dangers of distracted driving. 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

60 education programs. Each school board may waive the fee or the surcharge in total or in part for those
61 students it determines cannot pay the fee or surcharge. Only school divisions complying with the
62 standardized program and regulations established by the Board of Education and the provisions of
63 § 46.2-335 shall be entitled to participate in the distribution of state funds appropriated for driver
64 education.

65 *School boards in Planning District 8* Each school board shall make the 90-minute parent/student
66 driver education component available to all students and their parents or guardians who are in
67 compliance with § 22.1-254.

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

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

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

89 **§ 46.2-1702. Certification of driver education courses by Commissioner.**

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

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

107 Except for schools in the Commonwealth's public school system and providers of correspondence
108 courses approved by the Board of Education pursuant to subsection F of § 22.1-205, only those driver
109 training schools that are licensed as computer-based driver education providers shall be authorized to
110 administer computer-based driver education courses, including the parent/student driver education
111 component of the driver education curriculum as established in § 22.1-205. The content and quality of
112 such computer-based driver education courses shall be comparable to that of courses offered in the
113 Commonwealth's public schools. The Commissioner may establish minimum standards for testing
114 students who have enrolled in computer-based driver education courses. Such standards may include (i)
115 requirements for the test site; (ii) verification that the person taking the test is the person enrolled in the
116 course; (iii) verification of the identity of the student using photo identification approved by the
117 Commissioner; and (iv) maintenance of a log containing the name and title of the licensed instructor
118 monitoring the test, the test date, the name of the student taking the test, and the student's time-in and
119 time-out of the test site. Computer-based driver education providers shall not issue a certificate of
120 completion to a student prior to receiving proof of completion of the additional minimum 90-minute
121 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 of the driver education curriculum pursuant to § 22.1-205. Only public schools and those driver training schools that are licensed as computer-based driver education providers shall be authorized to administer the parent/student driver education component of the driver education curriculum through a virtual, computer-based program. Completion of such education component shall satisfy the requirement for the additional 90-minute parent/student driver education component so long as there is participation of the student's parent or guardian and the content provided is comparable to that which is offered in the Commonwealth's public schools and emphasizes (a) parental responsibilities regarding juvenile driver behavior, (b) juvenile driving restrictions pursuant to this Code, and (c) the dangers of driving while intoxicated and underage consumption of alcohol, and (d) the dangers of distracted driving.

The Commissioner shall have authority to approve any driver education course offered by any Class A licensee if he finds the course meets the requirements for such courses as set forth in this chapter and as otherwise established by the Department. Class A licensees shall not be permitted to administer behind-the-wheel examinations unless authorized pursuant to § 46.2-326.1. Driver education courses offered by any Class B licensee shall be based on the driver education curriculum currently approved by the Department of Education and the Department.

The Commissioner may accept, in lieu of requirements established by the Department of Education for instructor qualification, (1) 20 years' service with the Virginia Department of State Police by a law-enforcement officer who retired or resigned while in good standing from such Department or (2)(i) 20 years' service as a traffic enforcement officer with patrol experience with any local police department by a law-enforcement officer who has been certified by the Virginia Department of Criminal Justice Services pursuant to § 15.2-1706, (ii) who retired or resigned while in good standing from such department, and (iii) who has been certified to teach driver training by the Virginia Department of Criminal Justice Services.