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SENATE BILL NO. 78

Senate Amendments in [] - January 24, 2022

Prefiled January 5, 2022

A BILL to amend and reenact § 22.1-205 of the Code of Virginia, relating to Board of Education; driver education programs; parent/student driver education.

Patrons Prior to Engrossment—Senators Norment, Cosgrove and Surovell

Referred to Committee on Education and Health

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) 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 [as part of the classroom portion of the driver education curriculum] . The additional parent/student driver education component may be provided to students outside Planning District 8, at the discretion of each local school board. 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 schools school that ~~are~~ is licensed as a computer-based driver education providers 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 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

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59 allows local school boards to charge a per pupil fee for behind-the-wheel driver education, the Board of
60 Education may authorize a local school board's request to assess a surcharge in order to further recover
61 program costs that exceed state funds distributed through basic aid to school divisions offering driver
62 education programs. Each school board may waive the fee or the surcharge in total or in part for those
63 students it determines cannot pay the fee or surcharge. Only school divisions complying with the
64 standardized program and regulations established by the Board of Education and the provisions of
65 § 46.2-335 shall be entitled to participate in the distribution of state funds appropriated for driver
66 education.

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

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

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

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