

**SENATE BILL NO. \_\_\_\_\_ HOUSE BILL NO. \_\_\_\_\_**

1 A BILL to amend and reenact § 22.1-205 of the Code of Virginia, relating to requirements of the driver  
2 education programs.

3 **Be it enacted by the General Assembly of Virginia:**

4 **1. That § 22.1-205 of the Code of Virginia is amended and reenacted as follows:**

5 § 22.1-205. Driver education programs.

6 A. The Board of Education shall establish for the public school system a standardized program of  
7 driver education in the safe operation of motor vehicles. Such program shall consist of classroom  
8 training and behind-the-wheel driver training. However, any student who participates in such a program  
9 of driver education shall meet the academic requirements established by the Board, and no student in a  
10 course shall be permitted to operate a motor vehicle without a license or permit to do so issued by the  
11 Department of Motor Vehicles. The program shall include instruction concerning (i) alcohol and drug  
12 abuse, (ii) aggressive driving, (iii) distracted driving, (iv) motorcycle awareness, (v) organ and tissue  
13 donor awareness, (vi) fuel-efficient driving practices, and (vii) in Planning District 8, for any student  
14 completing a driver education program beginning in academic year 2010-2011, an additional minimum  
15 90-minute parent/student driver education component included as part of the in-classroom portion of the  
16 driver education curriculum, requiring the participation of the student's parent or guardian and  
17 emphasizing parental responsibilities regarding juvenile driver behavior, juvenile driving restrictions  
18 pursuant to the Code of Virginia, and the dangers of driving while intoxicated and underage  
19 consumption of alcohol. Such instruction shall be developed by the Department in cooperation with the  
20 Virginia Alcohol Safety Action Program, the Department of Health, and the Department of Behavioral  
21 Health and Developmental Services, as appropriate. Such program shall require a minimum number of  
22 miles driven during the behind-the-wheel driver training.

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

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

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

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

49 F. The Board of Education shall approve correspondence courses for the classroom training  
50 component of driver education. These correspondence courses shall be consistent in quality with  
51 instructional programs developed by the Board for classroom training in the public schools. Students  
52 completing the correspondence courses for classroom training, who are eligible to take behind-the-wheel

53 driver training, may receive behind-the-wheel driver training (i) from a public school, upon payment of  
54 the required fee, if the school division offers behind-the-wheel driver training and space is available, (ii)  
55 from a driver training school licensed by the Department of Motor Vehicles, or (iii) in the case of a  
56 home schooling parent or guardian instructing his own child who meets the requirements for home  
57 school instruction under § 22.1-254.1 or subdivision B 1 of § 22.1-254, from a behind-the-wheel  
58 training course approved by the Board. Nothing herein shall be construed to require any school division  
59 to provide behind-the-wheel driver training to nonpublic school students.

60

#