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SENATE BILL NO. 1124

Offered January 8, 2025

Prefiled January 7, 2025

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; computer-based driver education courses; requirements.

Patron—Boysko

Referred to Committee on Education and Health

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. As used in this section:

"Classroom training portion" means the portion of the standardized program of driver education in the safe operation of motor vehicles developed by the Board pursuant to subsection B that consists solely of classroom-based instruction. "Classroom training portion" includes (i) any classroom training portion of a program of driver education in safe operation of motor vehicles that is administered in person and (ii) except in the case of the parent/student driver education component administered in Planning District 8 in accordance with subdivision B 2, any computer-based driver education course established or approved by the Board to be provided by a school board as an alternative to any classroom training portion administered in person pursuant to subsection D.

"Computer-based driver education course" means a driver education course offered through virtual or other electronic means that is established or approved by the Board pursuant to subsection B to be offered as an alternative to in-person participation in the classroom training portion to certain students in accordance with the provisions of this section.

B. 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. The Board shall establish or approve for the classroom training portion of such program a computer-based driver education course to be available as an alternative to in-person participation in the classroom training portion for any student who is enrolled in an online or virtual physical or health education program. 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) an additional minimum 90-minute parent/student driver education component as part of the classroom portion of the driver education curriculum. However, 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 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. The participation of the student's parent or guardian in the parent/student driver education component shall be required in Planning District 8 unless the student is otherwise exempted from participation in the parent/student driver education component pursuant to the provisions of subdivision 1. Outside Planning District 8, the participation of the student's parent or guardian in the parent/student driver education component shall be encouraged, but shall not be required. The program shall emphasize (i) parental responsibilities regarding juvenile driver behavior, (ii) juvenile driving restrictions pursuant to this Code, (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

59 school division from including a program of parental involvement as part of a driver education program in
60 addition to the minimum 90-minute parent/student driver education component.

61 3. Any driver education program shall require a minimum number of miles driven during the behind-the-
62 wheel driver training.

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

66 ~~C.~~ D. Each school board shall determine whether to offer the program of driver education in the safe
67 operation of motor vehicles and, if offered, whether such program shall be an elective or a required course.
68 *Each school board that offers such program of driver education may provide for any student who is enrolled*
69 *in an online or virtual physical or health education program a computer-based driver education course that*
70 *is established or approved by the Board pursuant to subsection B as an alternative to any classroom training*
71 *portion administered in person, provided, however, that in no case shall any student be permitted to*
72 *participate in any computer-based or virtual course as an alternative to the in-person parent/student driver*
73 *education component administered in Planning District 8 required pursuant to subdivision B 2. In addition to*
74 *the fee approved by the Board of Education pursuant to the appropriation act that allows local school boards*
75 *to charge a per pupil fee for behind-the-wheel driver education, the Board of Education may authorize a local*
76 *school board's request to assess a surcharge in order to further recover program costs that exceed state funds*
77 *distributed through basic aid to school divisions offering driver education programs. Each school board may*
78 *waive the fee or the surcharge in total or in part for those students it determines cannot pay the fee or*
79 *surcharge. Only school divisions complying with the standardized program and regulations established by the*
80 *Board of Education and the provisions of § 46.2-335 shall be entitled to participate in the distribution of state*
81 *funds appropriated for driver education.*

82 Each school board shall make the 90-minute parent/student driver education component available to all
83 students and their parents or guardians who are in compliance with § 22.1-254.

84 ~~D.~~ E. The actual initial driving instruction shall be conducted, with motor vehicles equipped as may be
85 required by regulation of the Board of Education, on private or public property removed from public
86 highways if practicable; if impracticable, then, at the request of the school board, the Commissioner of
87 Highways shall designate a suitable section of road near the school to be used for such instruction. Such
88 section of road shall be marked with signs, which the Commissioner of Highways shall supply, giving notice
89 of its use for driving instruction. Such signs shall be removed at the close of the instruction period. No
90 vehicle other than those used for driver training shall be operated between such signs at a speed in excess of
91 25 miles per hour. Violation of this limit shall be a Class 4 misdemeanor.

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

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

105 **§ 46.2-1702. Certification of driver education courses by Commissioner.**

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

112 Any comprehensive community college within the Virginia Community College System shall have the
113 authority to offer the courses required by the Virginia Board of Education to become a certified driver
114 education instructor in Virginia on a not-for-credit basis so long as the courses include the same content and
115 curriculum required by the Department of Education, enabling individuals who complete those courses to
116 then teach driver's education in Virginia driver education training schools upon official certification by the
117 Department of Motor Vehicles. The Virginia Department of Education shall provide the curriculum, content,
118 and other information regarding the courses required to become certified driver education instructors in
119 Virginia to any comprehensive community college within the Virginia Community College System. The

120 content of each course must be accurate and rigorous and must meet the requirements for the Department of
121 Education's Curriculum and Administrative Guide for Driver's Education, which includes the Board of
122 Education's standards of learning.

123 Except for schools in the Commonwealth's public school system *pursuant to § 22.1-205* and providers of
124 correspondence courses approved by the Board of Education pursuant to subsection F G of § 22.1-205, only
125 those driver training schools that are licensed as computer-based driver education providers shall be
126 authorized to administer computer-based driver education courses, including the parent/student driver
127 education component of the driver education curriculum as established in § 22.1-205. The content and quality
128 of such computer-based driver education courses shall be comparable to that of courses offered in the
129 Commonwealth's public schools. The Commissioner may establish minimum standards for testing students
130 who have enrolled in computer-based driver education courses. Such standards may include (i) requirements
131 for the test site; (ii) verification that the person taking the test is the person enrolled in the course; (iii)
132 verification of the identity of the student using photo identification approved by the Commissioner; and (iv)
133 maintenance of a log containing the name and title of the licensed instructor monitoring the test, the test date,
134 the name of the student taking the test, and the student's time-in and time-out of the test site. Computer-based
135 driver education providers shall not issue a certificate of completion to a student prior to receiving proof of
136 completion of the additional minimum 90-minute parent/student driver education component pursuant to §
137 22.1-205.

138 Any driver training school licensed under the provisions of this chapter shall be authorized to provide the
139 90-minute parent/student driver education component of the driver education curriculum pursuant to §
140 22.1-205. Only public schools and those driver training schools that are licensed as computer-based driver
141 education providers shall be authorized to administer the parent/student driver education component of the
142 driver education curriculum through a virtual, computer-based program. Completion of such education
143 component shall satisfy the requirement for the additional 90-minute parent/student driver education
144 component so long as there is participation of the student's parent or guardian and the content provided is
145 comparable to that which is offered in the Commonwealth's public schools and emphasizes (a) parental
146 responsibilities regarding juvenile driver behavior, (b) juvenile driving restrictions pursuant to this Code, (c)
147 the dangers of driving while intoxicated and underage consumption of alcohol, and (d) the dangers of
148 distracted driving.

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

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