

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 22.1-205 of the Code of Virginia, relating to driver education programs;*  
 3 *voluntary initiatives for drivers diagnosed with autism spectrum disorder.*

4 [S 309]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 22.1-205 of the Code of Virginia is amended and reenacted as follows:**8 **§ 22.1-205. Driver education programs.**

9 A. The Board of Education shall establish for the public school system a standardized program of driver  
 10 education in the safe operation of motor vehicles. Such program shall consist of classroom training and  
 11 behind-the-wheel driver training. However, any student who participates in such a program of driver  
 12 education shall meet the academic requirements established by the Board, and no student in a course shall be  
 13 permitted to operate a motor vehicle without a license or other document issued by the Department of Motor  
 14 Vehicles under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, or the comparable law of another jurisdiction,  
 15 authorizing the operation of a motor vehicle upon the highways.

16 1. The driver education program shall include ~~(a)~~ instruction concerning ~~(a)~~ (i) alcohol and drug abuse; ~~(b)~~  
 17 (ii) aggressive driving; ~~(c)~~ (iii) the dangers of distracted driving and speeding; ~~(d)~~ (iv) motorcycle awareness;  
 18 ~~(e)~~ (v) organ and tissue donor awareness; ~~(f)~~ (vi) fuel-efficient driving practices; ~~and (g)~~ (vii) traffic stops,  
 19 including law-enforcement procedures for traffic stops, appropriate actions to be taken by drivers during  
 20 traffic stops, and appropriate interactions with law-enforcement officers who initiate traffic stops; and ~~(h)~~  
 21 (viii) *voluntary initiatives available to drivers with autism spectrum disorder, including (a) the driver*  
 22 *communication improvement program developed pursuant to § 46.2-203.3, (b) the driver's license indicator*  
 23 *option available pursuant to subsection K of § 46.2-342, and (c) the registration indicator option available*  
 24 *pursuant to § 46.2-600.1. The driver education program shall also include an additional minimum 90-minute*  
 25 *parent/student driver education component as part of the classroom portion of the driver education*  
 26 *curriculum. However; however, no student who is (1) at least 18 years of age, (2) an emancipated minor, or*  
 27 *(3) an unaccompanied minor who is not in the physical custody of his parent or guardian shall be required to*  
 28 *participate in the parent/student driver education component.*

29 2. The parent/student driver education component shall be administered as part of the classroom portion of  
 30 the driver education curriculum. In Planning District 8, the parent/student driver education component shall  
 31 be administered in-person. Outside Planning District 8, the parent/student driver education component may  
 32 be administered either in-person or online by a public school or a driver training school that is licensed as a  
 33 computer-based driver education provider. The participation of the student's parent or guardian in the  
 34 parent/student driver education component shall be required in Planning District 8 unless the student is  
 35 otherwise exempted from participation in the parent/student driver education component pursuant to the  
 36 provisions of subdivision 1. Outside Planning District 8, the participation of the student's parent or guardian  
 37 in the parent/student driver education component shall be encouraged, but shall not be required. The program  
 38 shall emphasize (i) parental responsibilities regarding juvenile driver behavior, (ii) juvenile driving  
 39 restrictions pursuant to this Code, (iii) the dangers of driving while intoxicated and underage consumption of  
 40 alcohol, ~~and~~ (iv) the dangers of distracted driving, *and (v) voluntary initiatives available to drivers with*  
 41 *autism spectrum disorder.* Such instruction shall be developed by the Department in cooperation with the  
 42 Virginia Alcohol Safety Action Program, the Department of Health, and the Department of Behavioral Health  
 43 and Developmental Services, as appropriate. Nothing in this subdivision precludes any school division from  
 44 including a program of parental involvement as part of a driver education program in addition to the  
 45 minimum 90-minute parent/student driver education component.

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

48 B. The Board shall assist school divisions by preparation, publication, and distribution of competent  
 49 driver education instructional materials to ensure a more complete understanding of the responsibilities and  
 50 duties of motor vehicle operators, *including voluntary initiatives available to drivers with autism spectrum*  
 51 *disorder.*

52 C. Each school board shall determine whether to offer the program of driver education in the safe  
 53 operation of motor vehicles and, if offered, whether such program shall be an elective or a required course.  
 54 However, in recognition of the fact that behind-the-wheel training is an essential school-to-work skill and a  
 55 vital step in the pathway to obtaining a driver's license and cultivating well-educated teen drivers, each school  
 56 board is strongly encouraged to offer as part of its program of driver education behind-the-wheel training

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

66 Each school board shall make the 90-minute parent/student driver education component available to all  
67 students and their parents or guardians who are in 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 notice  
73 of its use for driving instruction. Such signs shall be removed at the close of the instruction period. No  
74 vehicle other than those used for driver training shall be operated between such signs at a speed in excess of  
75 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 of  
77 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 component of  
79 driver education. These correspondence courses shall be consistent in quality with instructional programs  
80 developed by the Board for classroom training in the public schools. Students completing the correspondence  
81 courses for classroom training, who are eligible to take behind-the-wheel driver training, may receive  
82 behind-the-wheel driver training (i) from a public school, upon payment of the required fee, if the school  
83 division offers behind-the-wheel driver training and space is available, (ii) from a driver training school  
84 licensed by the Department of Motor Vehicles, or (iii) in the case of a home schooling parent or guardian  
85 instructing his own child who meets the requirements for home school instruction under § 22.1-254.1 or  
86 subdivision B 1 of § 22.1-254, from a behind-the-wheel training course approved by the Board. Nothing  
87 herein shall be construed to require any school division to provide behind-the-wheel driver training to  
88 nonpublic school students.