

**Board of Education
Regulations Governing Driver Education
8VAC20-340-10 et seq.**

8VAC20-340-10 State-Approved Driver Education Program.

A. In accordance with provisions of the National Highway Safety Act of 1966 (23 USC §401 et seq.) and §46.2-334 of the Code of Virginia, ~~schools shall schedule a program of driver education for all eligible students. The program shall consist of 36 periods of classroom instruction and 14 periods of in-car instruction, which shall include seven periods of actual driving, and seven periods of observation time. The classroom instruction should be offered during the 10th grade. School divisions may offer alternative programs. These shall be developed in accordance with procedures outlined in the Curriculum Guide for Driver Education in Virginia. local school boards shall determine whether to offer a driver education program, and, if offered, whether it will be elective or required. School divisions offering programs that comply with the standardized program of study and regulations established by the Board of Education and the provisions of section §22.1-205 of the Code of Virginia are entitled to participate in the distribution of state funds for driver education.~~

B. A state-approved driver education program consists of a minimum of 36 periods of classroom instruction, and 14 periods of in-car instruction. The standardized driver education program established by the Board of Education requires that:

1. Classroom and in-car instruction shall follow the standardized program of study;
2. Classroom driver education may be taught in lieu of 36 class periods of health education or as an elective course;
3. Superintendents and heads of private schools must seek program approval from the Department of Education prior to providing instruction and certify that the proposed program meets all state-approved program requirements;
4. The length of a class period must be a minimum of 50 minutes;
5. Students must drive a minimum of 50 miles during the in-car phase of instruction;
6. In-car instruction must be limited to no more than two periods of instruction in any 24-hour period, of which at least one must be actual driving;
7. No more than four periods of actual driving and four periods of observation on a multiple-car-range can count towards the 14-period in-car requirement;
8. Combination, on-street, simulation, and multiple-car-range programs must provide at least six periods of on-street driving and observation, four periods of multiple-car-range driving and observation, and eight periods of simulation;
9. Only fees approved by the Board of Education may be collected for the laboratory phase of driver education pursuant to the appropriation act;
10. Public or private schools must submit classroom and in-car driver education teachers' driver license information for driver record monitoring as required by § 46.2-340 of the Code of Virginia;
11. Local school boards must develop written policies concerning initial or continued employment of classroom and in-car teachers who receive excessive demerit points on their driving record;

12. Public and private schools must provide the Department of Education with the previous year's program data to calculate in-car basic aid reimbursement and to monitor program compliance;
13. Classroom and laboratory phases of the program must be offered concurrently at the same school, or allow only a limited amount of time to elapse between classroom completion and laboratory instruction;
14. Students who have not successfully completed the classroom phase at one school cannot begin in-car instruction at another school;
15. Successful completion of a standardized end-of-course road skills assessment must be achieved prior to the school issuing a 90-day provisional license;

8VAC20-340-20. Driver Education Vehicles.

The school division or school shall:

1. Provide a vehicle in excellent mechanical condition, equipped with dual-control brakes, a roof top sign, dual side mirrors, and safety restraints;
2. Ensure all driver education vehicles are equipped with restraint systems of the type approved by the Department of State Police in accordance with §§46.2-1093 and 46.2-1095 of the Code of Virginia;
3. Provide a vehicle with a current Virginia inspection sticker and license plate;
4. Insure the vehicle above the minimum amount required by state statute for liability and property damage;

5. Identify the instructional vehicle by displaying DRIVER EDUCATION VEHICLE AND NAME OF SCHOOL (or school division) attached to the top of the vehicle. The school name does not have to be on the rooftop sign and may appear in another visible location on the vehicle.

8VAC20-340-30. Teacher Requirements.

The standardized driver education program established by the Board of Education requires teachers:

1. To hold a valid Virginia teaching license with an add-on endorsement or approved program endorsement in driver education; or, for in-car instruction, to satisfy the paraprofessional training requirements;
2. To hold a valid Virginia driver's license and; or, teachers with valid out-of-state driver's licenses must provide the Department of Education with a copy of their driving record at the beginning of each semester, at the beginning of summer school, and when they receive a moving violation;
3. To have a broad background of driving experiences (two years minimum) in cities, rural roadways and highways;
4. To possess sound physical, mental and emotional qualities;
5. To have a satisfactory driving record; teachers who have accumulated six or more demerit points shall be removed from providing behind-the-wheel instruction for a period of 24 months; (no public or private school shall retain its driver education program approval by the Department of Education unless the teacher is removed, §46.2-340 of the Code of Virginia);

6. Who have had their license suspended or revoked, or who have received a Driving Under the Influence (DUI) arrest or conviction, to be immediately removed from any classroom or laboratory driver education teaching assignment;
7. To obtain parent/guardian permission to enroll a student in the laboratory phase of instruction;
8. To make every reasonable effort to protect students from injury;
9. To ensure the proper use of safety restraints by all persons occupying the driver education vehicle;
10. To ensure that the student driver has in his/her possession a valid Virginia learner's permit when operating a driver education vehicle;
11. To have at least two students, or no more than three students, in the car.
Exception: When it is in the best interest of the student, and with prior written permission from the parents or legal guardians, one student may be scheduled for in-car instruction;
12. Shall not allow the driver education vehicle to be used by any student during on-street instruction without the teacher being in the vehicle providing direct instruction. If the vehicle is parked and students remain in the vehicle, the keys shall be removed by the teacher. In no event should the vehicle's engine remain running with students inside the vehicle without the teacher also being inside the vehicle;
13. Shall not allow the driver education vehicle to be used during multiple-car range instruction without teacher supervision.

I certify that this document is accurate and true.

Adopted by the Virginia Board of Education on April 29, 2004.

Margaret N. Roberts
Agency Regulatory Coordinator
May 5, 2004