

Part 2 Driver Education Classes

53A-13-201 Driver education established by school districts.

- (1) As used in this part:
 - (a) "Driver education" includes classroom instruction and driving and observation in a dual-controlled motor vehicle.
 - (b) "Driving" or "behind-the-wheel driving" means operating a dual-controlled motor vehicle under the supervision of a certified instructor.
- (2)
 - (a) Local school districts may establish and maintain driver education for pupils.
 - (b) A school or local school district that provides driver education shall provide an opportunity for each pupil enrolled in that school or local school district to take the written test when the pupil is 15 years and nine months of age.
 - (c) Notwithstanding the provisions of Subsection (2)(b), a school or local school district that provides driver education may provide an opportunity for each pupil enrolled in that school or school district to take the written test when the pupil is 15 years of age.
- (3) The purpose of driver education is to help develop the knowledge, attitudes, habits, and skills necessary for the safe operation of motor vehicles.
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall make rules for driver education offered in the public schools.
- (5) The rules under Subsection (4) shall:
 - (a) require at least one hour of classroom training on the subject of railroad crossing safety for each driver education pupil; and
 - (b) establish minimum standards for approved driving ranges under Section 53-3-505.5.
- (6) The requirements of Section 53-3-505.5 apply to any behind-the-wheel driving training provided as part of driver education offered under this part and used to satisfy the driver training requirement under Section 53-3-204.

Amended by Chapter 382, 2008 General Session

53A-13-202 Driver education funding -- Reimbursement of school districts for driver education class expenses -- Limitations -- Excess funds -- Student fees.

- (1)
 - (a) Except as provided in Subsection (1)(b), a school district that provides driver education shall fund the program solely through:
 - (i) funds provided from the Automobile Driver Education Tax Account in the Uniform School Fund as created under Section 41-1a-1205; and
 - (ii) student fees collected by each school.
 - (b) In determining the cost of driver education, a school district may exclude:
 - (i) the full-time equivalent cost of a teacher for a driver education class taught during regular school hours; and
 - (ii) classroom space and classroom maintenance.
 - (c) A school district may not use any additional school funds beyond those allowed under Subsection (1)(b) to subsidize driver education.
- (2)

- (a) The state superintendent of public instruction shall, prior to September 2nd following the school year during which it was expended, or may at earlier intervals during that school year, reimburse each school district that applied for reimbursement in accordance with this section.
 - (b) A school district that maintains driver education classes that conform to this part and the rules prescribed by the board may apply for reimbursement for the actual cost of providing the behind-the-wheel and observation training incidental to those classes.
- (3) Under the state board's supervision for driver education, a school district may:
- (a) employ personnel who are not licensed by the board under Section 53A-6-104; or
 - (b) contract with private parties or agencies licensed under Section 53-3-504 for the behind-the-wheel phase of the driver education program.
- (4) The reimbursement amount shall be paid out of the Automobile Driver Education Tax Account in the Uniform School Fund and may not exceed:
- (a) \$100 per student who has completed driver education during the school year;
 - (b) \$30 per student who has only completed the classroom portion in the school or through the electronic high school during the school year; or
 - (c) \$70 per student who has only completed the behind-the-wheel and observation portion in the school during the school year.
- (5) If the amount of money in the account at the end of a school year is less than the total of the reimbursable costs, the state superintendent of public instruction shall allocate the money to each school district in the same proportion that its reimbursable costs bear to the total reimbursable costs of all school districts.
- (6) If the amount of money in the account at the end of any school year is more than the total of the reimbursement costs provided under Subsection (4), the superintendent may allocate the excess funds to school districts:
- (a) to reimburse each school district that applies for reimbursement of the cost of a fee waived under Section 53A-12-103 for driver education; and
 - (b) to aid in the procurement of equipment and facilities which reduce the cost of behind-the-wheel instruction.
- (7) A local school board shall establish the student fee for driver education for the school district. Student fees shall be reasonably associated with the costs of driver education that are not otherwise covered by reimbursements and allocations made under this section.

Amended by Chapter 23, 2003 General Session

53A-13-203 Enrollment of private school pupils.

- (1) A school district maintaining driver education classes shall allow pupils enrolled in grades nine to 12 of regularly established private schools located within the school district to enroll in the most accessible public school in the school district to receive driver education.
- (2) Enrollment is on the same terms and conditions as applies to students in public schools within the district, as such terms and conditions relate to the driver education classes only.

Enacted by Chapter 2, 1988 General Session

53A-13-204 Reports as to costs of driver training programs.

A local school board seeking reimbursement shall, at the end of each school year and at other times as designated by the State Board of Education, report the following to the state superintendent of public instruction:

- (1) the costs of providing driver education including a separate accounting for:

- (a) course work; and
- (b) behind-the-wheel and observation training to students;
- (2) the costs of fees waived under Section 53A-12-103 for driver education including a separate accounting for:
 - (a) course work; and
 - (b) behind-the-wheel and observation training to students;
- (3) the number of students who completed driver education including a separate accounting for:
 - (a) course work; and
 - (b) behind-the-wheel and observation training to students;
- (4) whether or not a passing grade was received; and
- (5) any other information the State Board of Education may require for the purpose of administering this program.

Amended by Chapter 23, 2003 General Session

53A-13-205 Promoting the establishment and maintenance of classes -- Payment of costs.

- (1) The superintendent of public instruction shall promote the establishment and maintenance of driver education classes in school districts under rules adopted by the State Board of Education.
- (2) The state board may employ personnel and sponsor experimental programs considered necessary to give full effect to this program.
- (3) The costs of implementing this section shall be paid from the legislative appropriation to the board made from the Automobile Driver Education Tax Account in the Uniform School Fund.

Enacted by Chapter 2, 1988 General Session

53A-13-206 Appropriations from Automobile Driver Education Tax Account.

There is appropriated to the State Board of Education from the Automobile Driver Education Tax Account, annually, all money in the account, in excess of the expense of administering the collection of the tax, for use and distribution in the administration and maintenance of driver education classes and programs with respect to classes offered in the school district and the establishment of experimental programs, including the purchasing of equipment, by the board.

Enacted by Chapter 2, 1988 General Session

53A-13-208 Driver education teachers certified as license examiners.

- (1) The Driver License Division of the Department of Public Safety and the State Board of Education shall establish procedures and standards to certify teachers of driver education classes under this part to administer written and driving tests.
- (2) The division is the certifying authority.
- (3)
 - (a) A teacher certified under this section shall give written and driving tests designed for driver education classes authorized under this part.
 - (b) The Driver License Division shall, in conjunction with the State Board of Education, establish minimal standards for the driver education class tests that are at least as difficult as those required to receive a class D operator's license under Title 53, Chapter 3, Uniform Driver License Act.

- (c) A student who passes the written test but fails the driving test given by a teacher certified under this section may apply for a learner permit or class D operator's license under Title 53, Chapter 3, Part 2, Driver Licensing Act, and complete the driving test at a Driver License Division office.
- (4) A student shall have a learner permit issued by the Driver License Division under Section 53-3-210.5 in the student's immediate possession at all times when operating a motor vehicle under this section.
- (5) A student who successfully passes the tests given by a certified driver education teacher under this section satisfies the written and driving parts of the test required for a learner permit or class D operator's license.
- (6) The Driver License Division and the State Board of Education shall establish procedures to enable school districts to administer or process any tests for students to receive a learner permit or class D operator's license.
- (7) The division and board shall establish the standards and procedures required under this section by rules made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 144, 2016 General Session

53A-13-209 Programs authorized -- Minimum standards.

- (1) Local school districts may:
 - (a) allow students to complete the classroom training portion of driver education through the following programs:
 - (i) home study; or
 - (ii) the electronic high school;
 - (b) provide each parent with driver education instructional materials to assist in parent involvement with driver education including behind-the-wheel driving materials;
 - (c) offer driver education outside of school hours in order to reduce the cost of providing driver education;
 - (d) offer driver education through community education programs;
 - (e) offer the classroom portion of driver education in the public schools and allow the student to complete the behind-the-wheel portion with a private provider:
 - (i) licensed under Section 53-3-504; and
 - (ii) not associated with the school or under contract with the school under Subsection 53A-13-202(3); or
 - (f) any combination of Subsections (1)(a) through (e).
- (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall establish minimum standards for the school-related programs under Subsection (1).

Amended by Chapter 382, 2008 General Session