

**DRIVER EDUCATION COURSES**

2003 GENERAL SESSION

STATE OF UTAH

**Sponsor: Carlene M. Walker**

This act modifies the State System of Public Education by requiring school districts to fund driver education programs solely through the Automobile Driver Education Tax Account and student fees  $\hat{h}$   $\S$  [F] , excluding the full-time equivalent cost of a teacher when the program is taught during regular school hours [ ] ~~[THIS ACT ALLOWS THE FULL-TIME EQUIVALENT COST OF A TEACHER FOR A DRIVER EDUCATION CLASS TAUGHT DURING REGULAR SCHOOL HOURS TO BE EXCLUDED FROM THE DETERMINATION OF THE COST OF DRIVER EDUCATION UNTIL JULY 1, 2005.]~~  $\hat{h}$  . This act also requires school districts to establish student fees that are reasonably associated with the costs of driver education programs. This act allows school districts to be reimbursed by the Automobile Driver Education Account for the costs of fees waived for the driver education program. This act  $\hat{h}$   $\S$  [F] allows a school district to provide [ ] ~~[REQUIRES A SCHOOL DISTRICT THAT PROVIDES DRIVER EDUCATION TO OFFER]~~  $\hat{h}$  the classroom portion of driver education through home study or through the electronic high school and  $\hat{h}$   $\S$  [F] allows [ ] ~~[REQUIRES]~~  $\hat{h}$  the schools to provide material for parent involvement in driver education. This act allows a school district to offer the classroom portion of driver education and the behind-the-wheel portion to be offered by private providers. This act requires the State Board of Education to establish minimum standards for school-related driver education programs. This act takes effect on July 1, 2003.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**53A-13-202**, as last amended by Chapter 169, Laws of Utah 2000

**53A-13-204**, as enacted by Chapter 2, Laws of Utah 1988

ENACTS:

**53A-13-209**, Utah Code Annotated 1953

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **53A-13-202** is amended to read:

**53A-13-202. Driver education funding -- Reimbursement of school districts for**



28 **driver education class expenses -- Limitations -- Excess funds -- Student fees.**

29 (1) (a) Except as provided in Subsection (1)(b), a school district that provides driver  
 30 education shall fund the program solely through:

31 (i) funds provided from the Automobile Driver Education Tax Account in the Uniform  
 32 School Fund as created under Section 41-1a-1205; and

33 (ii) student fees collected by each school.

34 (b) In determining the cost of driver education, a school district may exclude:

35 h §[f] (i) the full-time equivalent cost of a teacher for a driver education class taught during  
 36 regular school hours; and

37 (ii) [f] § h classroom space and classroom maintenance h § [f] . [f] [; AND

37a — (ii) UNTIL JULY 1, 2005, THE FULL-TIME EQUIVALENT COST OF A TEACHER FOR A DRIVER  
 37b EDUCATION CLASS TAUGHT DURING REGULAR SCHOOL HOURS. §] h

38 (c) A school district may not use any additional school funds beyond those allowed  
 39 under Subsection (1)(b) to subsidize driver education.

40 [(+)] (2) (a) The state superintendent of public instruction shall, prior to September 2nd  
 41 following the school year during which it was expended, or may at earlier intervals during that  
 42 school year, reimburse each school district that applied for reimbursement [and] in accordance  
 43 with this section.

44 (b) A school district that maintains driver education classes that conform to [Section  
 45 53A-13-201] this part and the rules prescribed by the board may apply for reimbursement for  
 46 the actual cost of providing the behind-the-wheel and observation training incidental to those  
 47 classes.

48 [(2)] (3) Under the state board's supervision for driver education, a school district may  
 48a h [§ CONSISTENT WITH SECTION 53A-3-410, §] h :

49 (a) employ personnel who are not licensed by the board under Section 53A-6-104; or  
 50 [may]

51 (b) contract with private parties or agencies licensed under Section 53-3-504 for the  
 52 behind-the-wheel phase of the [driver's] driver education program.

53 [(3)] (4) The reimbursement amount shall be paid out of the Automobile Driver  
 54 Education [Fee] Tax Account in the Uniform School Fund and may not exceed [the state  
 55 average behind-the-wheel and observation training costs based on uniform accounting for the  
 56 preceding year but not to exceed]:

57 (a) \$100 per student who has completed [such a standard] driver education [course]  
 58 during the school year[-];

59 (b) \$30 per student who has only completed the classroom portion in the school or  
 60 through the electronic high school during the school year; or

61 (c) \$70 per student who has only completed the behind-the-wheel and observation  
 62 portion in the school during the school year.

63 [~~(4)~~] (5) If the amount of money in the account at the end of a school year is less than  
 64 the total of the reimbursable costs, the state superintendent of public instruction shall allocate  
 65 the money to each school district in the same proportion that its reimbursable costs bear to the  
 66 total reimbursable costs of all school districts.

67 [~~(5)~~] (6) If the amount of money in the account at the end of any school year is more  
 68 than the total of the reimbursement costs provided under Subsection (4), the superintendent  
 69 may allocate the excess funds to school districts;

70 (a) to reimburse each school district that applies for reimbursement of the cost of a fee  
 71 waived under Section 53A-12-103 for driver education; and

72 (b) to aid in the procurement of equipment and facilities which reduce the cost of  
 73 behind-the-wheel instruction.

74 (7) A local school board shall establish the student fee for driver education for the  
 75 school district. Student fees shall be reasonably associated with the costs of driver education  
 76 that are not otherwise covered by reimbursements and allocations made under this section.

77 Section 2. Section **53A-13-204** is amended to read:

78 **53A-13-204. Reports as to costs of driver training programs.**

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

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

83 (a) course work; and

84 (b) behind-the-wheel and observation training to students;

85 (2) the costs of fees waived under Section 53A-12-103 for driver education including a  
 86 separate accounting for:

87 (a) course work; and

88 (b) behind-the-wheel and observation training to students;

89 [~~(2)~~] (3) the number of students who completed [~~a standard~~] driver education [~~course~~];

90 including a separate accounting for:

91 (a) course work; and

92 (b) behind-the-wheel and observation training to students;

93 ~~[(3)]~~ (4) whether or not a passing grade was received; and

94 ~~[(4) such]~~ (5) any other information [as] the State Board of Education may require for  
95 the purpose of administering this program.

96 Section 3. Section **53A-13-209** is enacted to read:

97 **53A-13-209. Programs authorized -- Minimum standards.**

98 § [F] (1) Local school districts may: [F] ~~[(1) A SCHOOL DISTRICT THAT PROVIDES DRIVER~~  
99a ~~EDUCATION SHALL: §] §~~ §

99 (a) allow students to complete the classroom training portion of driver education  
100 through the following programs:

101 (i) home study; § [F] or [F] § §

102 (ii) the electronic high school; § ~~§~~ OR

102a ~~— (iii) OTHER PROGRAMS NOT INVOLVING DIRECT CLASSROOM INSTRUCTION DURING THE~~  
102b ~~REGULAR SCHOOL DAY, APPROVED BY THE DISTRICT; AND §] §~~ §

103 (b) provide each parent with driver education instructional materials to assist in parent  
104 involvement with driver education including behind-the-wheel driving materials § [F]; [F] [F] § §

105 § [F] (c) [F] ~~[(2) A SCHOOL DISTRICT THAT PROVIDES DRIVER EDUCATION MAY:~~

105a ~~— (a) §] §~~ § offer driver education outside of school hours in order to reduce the cost of  
106 providing driver education;

107 § [F] (d) [F] ~~[(b) §] §~~ offer driver education through community education programs;

108 § [F] (e) [F] ~~[(c) §] §~~ offer the classroom portion of driver education in the public schools and  
108a allow the

109 student to complete the behind-the-wheel portion with a private provider:

110 (i) licensed under Section 53-3-504; and

111 (ii) not associated with the school or under contract with the school under Subsection  
112 53A-13-202(3); or

113 § [F] (f) [F] ~~[(d) §] §~~ any combination of Subsections § [F] (1)(a) through (e) [F] ~~[(2)(a)~~  
113a ~~THROUGH (e) §] §~~ § .

114 § [F] (2) [F] ~~[(3) §] §~~ In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking  
114a Act, the

115 State Board of Education shall establish minimum standards for the school-related programs  
116 under Subsection (1).

117 Section 4. **Effective date.**

118 This act takes effect on July 1, 2003.

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**Legislative Review Note**

as of 11-26-02 3:17 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number SB0032**

**Driver Education Courses**

*23-Jan-03*

*3:13 PM*

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**State Impact**

Passage of this bill may increase student fees for the cost of Public School Driver's Education training to offset Local District funds currently used as a revenue source and for possible increased fee waiver costs. School Districts could redirect revenues of approximately \$1,250,000 to other program expenses. No fiscal impact to the state.

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**Individual and Business Impact**

There may be an increased cost to individuals for Public Education driver's training.

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**Office of the Legislative Fiscal Analyst**