

**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, excluding the full-time equivalent cost of a teacher when the program is taught during regular school hours. 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 allows a school district to provide the classroom portion of driver education through home study or through the electronic high school and allows 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 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.

~~[(1)]~~ (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 ~~[and]~~ in accordance with this section.

(b) A school district that maintains driver education classes that conform to [Section 53A-13-201] 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.

~~[(2)]~~ (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  
[may]

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

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

(a) \$100 per student who has completed [such a standard] driver education [course] 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.

~~[(4)]~~ (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.

~~[(5)]~~ (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.

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

**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 ~~[such]~~ 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;  
~~[(2)]~~ (3) the number of students who completed [a standard] driver education [course;]  
including a separate accounting for:

(a) course work; and  
(b) behind-the-wheel and observation training to students;  
~~[(3)]~~ (4) whether or not a passing grade was received; and  
~~[(4) such]~~ (5) any other information [as] the State Board of Education may require for  
the purpose of administering this program.

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

**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 63, Chapter 46a, Utah Administrative Rulemaking Act, the

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

Section 4. **Effective date.**

This act takes effect on July 1, 2003.