

1 **DRIVER EDUCATION AMENDMENTS**

2 2005 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Thomas V. Hatch**

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6 **LONG TITLE**

7 **General Description:**

8 This bill modifies the State System of Public Education by amending provisions related  
9 to driver education funding.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ repeals a provision that allows a school district to exclude certain costs in  
13 determining the cost of driver education for funding purposes; ~~§~~→ [and]

13a1 ▶ changes the date that state superintendent of public instruction shall disburse funds  
13a2 for driver education costs from prior to September 2nd to prior to November 1st following the  
13a3 school year during which it was expended;

13a ▶ clarifies that the date a local school board is required to report certain driver  
13b education information to the state superintendent of public instruction is no later than October  
13c 1 of each year;

13d ▶ provides that if a local school board does not report certain driver education  
13e information to the state superintendent of public instruction, the school district may not be  
13f reimbursed for certain driver education costs; and ←~~§~~

14 ▶ makes technical changes.

15 **Monies Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **53A-13-202**, as last amended by Chapter 23, Laws of Utah 2003

21a ~~§~~→ **53A-13-204**, as last amended by Chapter 32, Laws of Utah 2003 ←~~§~~



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

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

25           **53A-13-202. Driver education funding -- Reimbursement of school districts for**  
26 **driver education class expenses -- Limitations -- Excess funds -- Student fees.**

27           (1) (a) [~~Except as provided in Subsection (1)(b), a~~] A school district that provides

28 driver education shall fund the program solely through:

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

31 (ii) student fees collected by each school.

32 [~~(b) In determining the cost of driver education, a school district may exclude:~~]

33 [~~(i) the full-time equivalent cost of a teacher for a driver education class taught during  
34 regular school hours; and]~~

35 [~~(ii) classroom space and classroom maintenance.~~]

36 [~~(c)~~] (b) A school district may not use any additional school funds [~~beyond those  
37 allowed under Subsection (1)(b)]~~ to subsidize driver education.

38 (2) (a) ~~§~~→ [The] **Except as provided in Subsection 53A-13-204(2), the**←~~§~~ state  
38a superintendent of public instruction shall, prior to ~~§~~→ [September 2nd] **November 1st** ←~~§~~  
39 following the school year during which it was expended, or may at earlier intervals during that  
40 school year, reimburse each school district that applied for reimbursement in accordance with  
41 this section.

42 (b) A school district that maintains driver education classes that conform to this part  
43 and the rules prescribed by the board may apply for reimbursement for the actual cost of  
44 providing the behind-the-wheel and observation training incidental to those classes.

45 (3) Under the state board's supervision for driver education, a school district may:

46 (a) employ personnel who are not licensed by the board under Section 53A-6-104; or

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

49 (4) The reimbursement amount shall be paid out of the Automobile Driver Education  
50 Tax Account in the Uniform School Fund and may not exceed:

51 (a) \$100 per student who has completed driver education during the school year;

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

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

56 (5) If the amount of money in the account at the end of a school year is less than the  
57 total of the reimbursable costs, the state superintendent of public instruction shall allocate the  
58 money to each school district in the same proportion that its reimbursable costs bear to the total

59 reimbursable costs of all school districts.

60 (6) If the amount of money in the account at the end of any school year is more than the  
61 total of the reimbursement costs provided under Subsection (4), the superintendent may  
62 allocate the excess funds to school districts:

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

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

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

69a **§→Section 2. Section 53A-13-204 is amended to read:**

69b **53A-13-204. Reports as to costs of driver training programs.**

69c **(1) A local school board seeking reimbursement shall, at the end of each**  
69d **school year but no later than October 1 of each year and at other times as designated by the**  
69e **State Board of Education, report the following to the state superintendent of public**  
69f **instruction:**

69g **(1) (a) the costs of providing driver education including a separate**  
69h **accounting for:**

69i **{(a)} (i) course work; and**

69j **{(b)} (ii) behind-the-wheel and observation training to students;**

69k **{(2)} (b) the costs of fees waived under Section 53A-12-103 for driver**  
69l **education including a separate accounting for:**

69m **{(a)} (i) course work; and**

69n **{(b)} (ii) behind-the-wheel and observation training to students;**

69o **{(3)} (c) the number of students who completed driver education**

69p **including a separate accounting for:**

69q **{(a)} (i) course work; and**

69r **{(b)} (ii) behind-the-wheel and observation training to students;**

69s **{(4)} (d) whether or not a passing grade was received; and**

69t **{(5)} (e) any other information the State Board of Education may**

69u **require for the purpose of administering this program.**

69v **(2) Notwithstanding any other provision under this part, a school district may not be**  
69w **reimbursed in accordance with Section 53A-13-202 if the local school board does not report to**  
69x **the state superintendent of public instruction as required under this section. ←§**

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## Legislative Review Note

as of 1-27-05 8:56 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Corrected Senate Committee Amendments 2-17-2005 rd/sch

- 3 - Senate Committee Amendments 2-7-2005 rd/sch

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**Fiscal Note**  
**Bill Number SB0151**

**Driver Education Amendments**

*03-Feb-05*

*5:03 PM*

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**State Impact**

Passage of this bill could free up funds some school districts are currently using to subsidize driver education to be used for other education needs.

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**Individual and Business Impact**

Student fees for driver training would increase in some districts.

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**Office of the Legislative Fiscal Analyst**