



This piece appeared on page 3 of the weekly ISBE Superintendent's. Newsletter – August 15, 2011

## Legal

### New Law Allows School Districts to Charge More for Driver Education

Under Illinois law, school districts have been able to charge a fee not to exceed \$50 to students who participate in a driver's education course, unless a student is unable to pay for the course, in which event the fee must be waived. Public Act 97-145, signed by the governor on July 14, 2011, amends Section 27-24.2 of the School Code [105 ILCS 5/27-24.2] to allow a district, following a public hearing and via board resolution, to increase this fee to an amount not to exceed \$250 (but must continue to waive the fee for students unable to afford the course).

Please note, however, that this increase in the fee that may be charged for driver's education does not allow districts, in determining a reasonable fee, to include any portion of the salaries or benefits of school district personnel providing driver's education in that equation.

Districts that wish to increase the fee for driver's education to the new limit of \$250, and that wish to use salaries and benefits to justify the cost of this increase, will need to seek a waiver of rules (Section 252.30(a)(3)) from the State Board of Education to allow for consideration of personnel costs in setting the district's fee. Information on the waiver process can be found online at:

<http://www.isbe.net/isbewaivers/default.htm> or call Rules and Waivers at [\(217\) 782-5270](tel:2177825270).

Districts with an approved waiver from the General Assembly to raise fees above the former \$50 limit set in the School Code will continue to hold that waiver until its expiration date. At that time, districts will face three possible situations:

- Districts intending to charge \$250 or less, and not planning to use salary or benefits costs in their fee calculations, will not need to apply for a waiver, but will need to hold a public hearing and set the new fee via board resolution in accordance with PA 97-145.
- Districts intending to assess a fee of \$250 or less, and planning to use salary and benefit costs in their fee calculations, will need to seek a waiver of rules from the State Board of Education allowing them to include such costs in their calculations.
- Districts choosing to request driver's education fees above \$250 will need to continue to seek a waiver of the School Code (105 ILCS 5/27-24.2) from the Illinois General Assembly. Districts should note the timelines that govern submission of such waiver requests (see the Website link above), since a waiver may not be implemented by a district until it has been approved by the General Assembly.