

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER g: SPECIAL COURSES OF STUDY

PART 252
DRIVER EDUCATION

Section

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AUTHORITY: Implementing and authorized by the Driver Education Act [105 ILCS 5/27-24 through 27-24.10].

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Section 252.10 Definitions

“Behind-The-Wheel Instruction” is that part of the driver education course that consists of individual practice driving with a driver education instructor who meets the requirements of Section 252.40 of this Part and provides learning experiences for the student as an operator of a dual-control car in traffic on public highways.

"Classroom Instruction" is that part of the driver education course consisting of learning experiences centered in the classroom.

"Declaration of Intent" is a student's application for enrollment in a driver education course.

"Driver Education Course", as used in this Part, is any driver education course approved by the State Superintendent as meeting at least the minimum requirements of the Driver Education Act [105 ILCS 5/27-24 through 27-24.8] and this Part and consists of all those learning experiences provided by a school or school district for the purpose of helping students learn to use motor vehicles safely and efficiently. Driver education courses must include classroom and behind-the-wheel instruction as a unified course (see Section 252.20(c)(1) of this Part).

"Dual-Control Car" is a motor vehicle that has special safety and instructional equipment in addition to the regular legally prescribed equipment, which shall consist of a second foot brake positioned for use by the instructor, an outside rearview mirror on the right side of the vehicle, and a sign identifying the vehicle as a driver education car (see 625 ILCS 5/6-410).

“Eligible Student” is a student who meets the conditions of Section 27-24.2 of the School Code [105 ILCS 5/27-24.2] for enrollment in a driver education course.

“Enrollment”, for purposes of an approved driver education course, means the period of time beginning 30 days prior to the time a student begins classroom instruction through the conclusion of the driver education course.

"Observation Time" refers to that time during which a student is riding in the back seat of a dual-control car observing instructions of the teacher and procedures and techniques of the driver who is participating in behind-the-wheel instruction.

(Source: Amended at 34 Ill. Reg. 3018, effective February 18, 2010)

Section 252.20 Administration and Procedures

- a) Availability of the Course – Any public school district maintaining grades 9 through 12 must provide the driver education course for any legal resident of the district between the ages of 15 and 21 years who requests the course, provided the resident is eligible as set forth in Section 27-24.2 of the School Code. All eligible students who reside in a school district must be provided an equal opportunity to enroll in driver education, and school districts are obligated to make the driver education course available within a reasonable length of time after each individual's declaration of intent is made. A "reasonable length of time" shall be determined based on the student's individual needs and the school district's ability to meet those needs, provided that the course must be offered within 12 months after the declaration of intent.
- 1) Public school districts that include high schools must provide the driver education course for all eligible students of the district who attend a nonpublic school that does not offer the course.
 - 2) Nonpublic schools may offer a driver education course at their own expense.
 - 3) Public school districts that include high schools must provide the driver education course for all eligible Illinois students, regardless of the district of their residence, who attend a nonpublic school located within that school district's boundaries when application is made by the administrators of the nonpublic school. The application shall constitute a declaration of intent by the affected student or students. *By April 1 the nonpublic school shall notify the district offering the course of the names and district numbers of the nonresident students desiring to take such course the next school year. The district offering such course shall notify the district of residence of those students affected by April 15.* [105 ILCS 5/27-24.4]
 - 4) An eligible student may elect to enroll in a driver education course at a commercial driver training school at his or her expense.
- b) When to Offer the Course – The classroom portion of the course shall be during the school day and may be offered at other times (i.e., before or after school, in the evenings or on weekends). The school district shall determine when to offer the behind-the-wheel portion of the course during the regular school year, which may be during the school day, at times other than during the school day, or through a combination of both options; however, this subsection (b) shall not

authorize a school district to offer behind-the-wheel instruction only during the summer. (Also see subsection (c)(2).)

- 1) Enrollment in a driver education course must be closed at the inception of the course, except as provided in subsection (b)(2). Another course may be started when enrollment warrants.
 - 2) A student who transfers to a new school after the inception of the driver education course at that school may be allowed to enroll in the course under the following conditions.
 - A) The driver education course in which the student was enrolled at the previous school offered 30 clock hours of classroom instruction and 6 clock hours of behind-the-wheel instruction.
 - B) The length of time the student previously participated in the driver education course (prior to his or her transfer) is sufficient to allow the student to complete the course at the new school within the time during which it is offered.
 - C) The new school has received verification, either by mail or in an electronic format, of the student's previous participation in the driver education course (i.e., length of time in the course, grades received). The verification shall be placed in the student's temporary school record as defined in 23 Ill. Adm. Code 375.10.
 - 3) *A high school student may be allowed to commence the classroom instruction part of the driver education course prior to reaching age 15 if the student will be eligible to complete the entire course within 12 months after being allowed to commence classroom instruction. (See Section 27-24.2 of the School Code.)*
- c) Course Organization – Driver education courses must be organized according to the standards established in the Driver Education Act [105 ILCS 5/27-24 through 27-24.10] and this Part.
- 1) The classroom and the behind-the-wheel instruction shall be aligned to the course content standards set forth at 92 Ill. Adm. Code 1060.181 (Teen Accreditation Classroom and Behind-the-Wheel Requirements).
 - 2) The classroom and the behind-the-wheel instruction each must be scheduled regularly throughout a period of not less than six complete

weeks (four weeks allowable in summer courses and for schools using block scheduling).

- 3) Behind-the-wheel instruction shall not begin until the student has started classroom instruction; however, a student may be enrolled in both portions of the course on a concurrent basis.
 - 4) At least one but not more than three student observers must be in the car during behind-the-wheel instruction. At least one hour of observation time is required for each hour of behind-the-wheel instruction. This subsection (c)(4) does not apply when a student's Individualized Education Program stipulates that the student receive behind-the-wheel instruction separately.
- d) Dual-Control Cars – The instructor shall occupy the front passenger seat. The driver education car is to be used for instructional purposes. A school district may not use the driver education car for purposes other than those designated by agreement or contract.
- e) Contracting – In fulfilling the requirements of the Driver Education Act, a public school district must either offer the course in its own school or must provide the course for its students, and any other legal residents of the school district who request the course, through a joint agreement with another public school district or through the provisions of cooperative school district programs. Schools offering a driver education course shall not contract for the course from any individual or commercial driver training school, except as provided in subsection (e)(1) or through a waiver approved pursuant to Section 2-3.25g of the School Code [105 ILCS 5/2-3.25g].
- 1) A public school district may contract for the provision of the behind-the-wheel portion of the course for students who have physical limitations that would require the use of a specially equipped car or for students who require other specialized instruction (e.g., vision or hearing impairments, cognitive disabilities) provided that:
 - A) the facility is approved by the Illinois Secretary of State (SOS) as meeting all of the requirements of Chapter 6, Article IV of the Illinois Vehicle Code [625 ILCS 5/Ch. 6 Art. IV] and of rules promulgated by SOS (see 92 Ill. Adm. Code 1030 (Issuance of Licenses));

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- B) each instructor providing instruction to the public school district's students is certified as a Driver Rehabilitation Specialist by the ADED – the Association for Driver Rehabilitation Specialists (see <http://www.driver-ed.org/>), 200 First Avenue NW, Suite 505, Hickory NC 28601); and
 - C) the facility conducts an evaluation of the student's physical and cognitive abilities to determine the individualized course of instruction.
- 2) Subject to the limitations set forth in Section 2-3.25g(d) of the School Code, a district that provides driver education through a contract with a commercial driver training school pursuant to an approved waiver shall:
- A) post the contract with the commercial driver training school on its website or, if it does not maintain a website, make the contract available upon request;
 - B) notify the State Board of Education within 15 calendar days of an instructor leaving the program or a new instructor being assigned. The notice shall include the instructor's name, birth date and driver's license number, and the personal identification number assigned by the State Board; and
 - C) maintain a record, for the term of the waiver's approval, of all materials related to the application for the waiver, which shall be made available to parents and guardians upon request.

(Source: Amended at 39 Ill. Reg. 6705, effective April 27, 2015)

Section 252.25 Eligibility of Students

- a) Pursuant to Section 27-24.2 of the School Code, no student shall be permitted to enroll in a driver education course provided by a public school district or a nonpublic school unless he or she has either:
 - 1) received a passing grade in at least eight courses (which may include courses completed in grade 8) during the previous two semesters or, in the case of block scheduling that reduces the number of courses taken per semester, in at least half the courses taken during the previous two semesters; or
 - 2) received a waiver of this requirement, pursuant to Section 27-24.2 of the School Code, from the superintendent of the public school district or the chief administrator of the nonpublic school in which the student is or will be enrolled full time during the semester for which enrollment in driver education is sought. A record of any waiver granted shall be entered into the affected student's temporary student record as defined in 23 Ill. Adm. Code 375.10, or its equivalent in the case of a nonpublic high school.
- b) Courses
 - 1) For the purposes of this Section, a "course" means a sequence of instructional activities or unit of schoolwork for which a grade is given and listed in a student's academic transcript.
 - 2) For the purpose of determining eligibility under this Section, any coursework completed by a student during a summer term falling within the 12-month period immediately preceding the beginning of the semester for which enrollment in driver education is sought shall be counted towards the eight courses for which passing grades are needed.
- c) Verification of Eligibility
 - 1) Each public school district or nonpublic school offering a driver education course shall be responsible for verifying the eligibility of all students seeking enrollment in such courses.
 - 2) Public school districts and nonpublic schools offering a driver education course shall establish procedures for verifying the eligibility of students enrolled there full time when eligibility is based upon the records created

by, or transferred to, such schools. If the public school district or nonpublic school previously attended by a student fails to transfer records in time to permit the student's enrollment in driver education, then unofficial records or a signed statement from the parent or guardian of the student shall be used to certify eligibility.

- 3) When a student requests enrollment in a driver education course offered by an entity other than the school district or nonpublic school he or she attends, the school district or nonpublic school offering the course shall be responsible for requesting confirmation of the student's eligibility pursuant to this Section.
 - A) Confirmation may be obtained either in writing or via electronic means addressed to the official records custodian designated by the school pursuant to Section 4(a) of the Illinois School Student Records Act [105 ILCS 10/4(a)].
 - B) The response shall indicate only whether or not the student is eligible and shall not indicate what grades a student received or whether the student received a waiver.
 - C) Failure of a school district or nonpublic school to respond to a request for eligibility verification within 15 calendar days shall be construed as a positive response and the student in question shall be considered eligible for driver education. The requesting school district or nonpublic school shall inform the sending district or nonpublic school, in writing, of the attempts made to verify eligibility and the lack of response. This notification shall indicate that, in the absence of a response, the student is considered to be eligible provided that a signed statement by the student's parent or guardian is on file. A copy of the notification shall be placed in the student's temporary record.
 - D) A student enrolled in a home school who wishes to enroll in a driver education course offered by a public school district or nonpublic school shall present, and each such entity shall accept as verification of the student's eligibility, a signed statement stipulating:
 - i) that the student is enrolled in a home school;

- ii) that he or she is eligible pursuant to subsection (a) of this Section; and
- iii) that the signature presented is that of the individual who administers the school attended by the student.

(Source: Amended at 34 Ill. Reg. 3018, effective February 18, 2010)

Section 252.30 The Terms of Reimbursement for Public School Participation in the Course

- a) Claims for Reimbursement – *These shall be made under oath or affirmation of the chief school administrator for the district employed by the school board or authorized driver education personnel employed by the school board* [105 ILCS 5/27-24.6].
- 1) Reimbursement shall be determined in accordance with the provisions of Sections 27-24.4 and 27-24.5 of the School Code [105 ILCS 5/27-24.4 and 27-24.5].
 - 2) *The school district that is the residence of an eligible pupil who attends a nonpublic school in another district that has furnished the driver education course shall reimburse the district offering the course the difference between the actual per capita cost of giving the course the previous school year and the amount reimbursed by the State* (Section 27-24.4 of the School Code), subject to the limitations regarding the reimbursement amount that are set forth in Section 27-24.2 of the School Code. This arrangement shall also apply in the case of tuition students who receive driver education from the districts where they are enrolled rather than from their respective districts of residence.
 - 3) The district may charge a reasonable fee not to exceed the amount specified in Section 27-24.2 of the School Code to students who participate in a driver education course approved in accordance with this Part. No other fee or portion thereof shall be charged to students and attributed to the driver education course. As used in this Part, "reasonable fee" means a fee calculated by dividing the sum of documented annual district costs for items such as instructional materials (if not included in the district's textbook rental fee), the cost of driver education cars, car maintenance costs, fuel, and insurance by the number of students enrolled or participating in the driver education course. The district's costs used in this calculation shall not include any portion of the salaries or benefits of school district personnel. For purposes of this calculation, the cost of driver education cars that are purchased by the district shall be amortized over a five-year period, and the cost of leasing cars shall be included in the fee calculation in the year the costs are incurred.
 - 4) The driver education fee shall be waived with respect to any student who applies pursuant to this subsection and who is eligible for free lunches or breakfasts pursuant to the School Breakfast and Lunch Program Act [105 ILCS 125] and 23 Ill. Adm. Code 305 (School Food Service), and with respect to other students in accordance with the district's policy adopted in

accordance with Section 1.245 (Waiver of School Fees) of the rules of the State Board of Education (see 23 Ill. Adm. Code 1 (Public Schools Evaluation, Recognition and Supervision)).

- b) Transfer Student – For any transfer student as defined in Section 252.20(b)(2) of this Part, reimbursement shall be claimed only by the school district to which the student has transferred.
- c) Cooperative School Programs – In fulfilling the requirements for reimbursement, a school district must provide a driver education course or participate in a special education cooperative or be part of an approved joint school agreement with another public school district.
- d) Contracting – School districts providing the driver education course through a contract as provided under Section 252.20(e)(1) of this Part or under a waiver granted pursuant to Section 2-3.25g of the School Code [105 ILCS 5/2-3.25g] (see 23 Ill. Adm. Code 1.100) shall make a claim for reimbursement by submitting, in a format specified by the State Superintendent of Education, the names of the students successfully completing the course and the date of course completion for each.
- e) Records – Daily attendance records shall be kept by the teachers in the manner prescribed in Section 27-24.6 of the School Code and are to be used to certify claims made under the Act.
 - 1) Records in either paper or electronic format must be maintained by the school to substantiate daily lessons, time behind the wheel, observation time, and periodic as well as final evaluation of each student. Also recorded shall be the beginning and ending dates of classroom and behind-the-wheel instruction. Students are to be identified by their instructional permit number, name, address and other personal information.
 - 2) The records are to be on file in the office of the driver education supervisor, principal, or other manager at the time reimbursement and/or certification is requested.
 - 3) Driver education participation records are to be kept and be readily available for a period of not less than three years.
 - 4) All records are subject to yearly audit by State auditors.

(Source: Amended at 37 Ill. Reg. 6639, effective May 2, 2013)

Section 252.40 Driver Education Personnel Requirements

- a) Qualifications of Teachers – All persons who teach a driver education course must meet the applicable standards of this subsection (a).
- 1) A driver education instructor who teaches in a public school district shall hold a professional educator license endorsed for the secondary grades and either have an endorsement for safety and driver education or meet the requirements of 23 Ill. Adm. Code 1.730(q) through January 31, 2012. Each individual first assigned to teach safety and driver education on or after February 1, 2012 shall be required to hold a professional educator license endorsed for both the secondary grades and safety and driver education pursuant to 23 Ill. Adm. Code 25.100(k).
 - 2) A driver education instructor who teaches in a nonpublic school is not required to be certified but must hold a baccalaureate degree, or equivalent as determined by the employing school, and meet the requirements of 23 Ill. Adm. Code 1.730(q) through January 31, 2012. Each individual first assigned to teach safety and driver education on or after February 1, 2012 shall meet the course requirements of 23 Ill. Adm. Code 25.100(k).
 - 3) A driver education instructor who teaches in either a public school district or in a nonpublic school must:
 - A) possess good physical health as determined in accordance with Section 24-5 of the School Code [105 ILCS 5/24-5]; and
 - B) hold a valid driver's license in good standing that has been issued by the state in which he or she resides. For the purposes of this subsection (a)(3)(B), a driver's license issued in Illinois shall not be considered valid and in good standing if it is revoked, suspended, expired or cancelled as described in Sections 6-201 through 6-209 of the Illinois Driver Licensing Law [625 ILCS 5/6-201 through 6-209] or if restrictions have been placed on driving privileges through either a restricted driving permit under Section 6-205(c)(1) or a monitoring device driving permit under Section 6-206.1.
 - 4) Additional requirements will not be retroactive as pertaining to those qualified under standards applicable prior to September 1, 1962, so long as they continue to teach driver education in the same district, except in the event the method of instruction has been changed to include simulation and/or multiple-car laboratory instruction. (See 23 Ill. Adm. Code

1.730(q).) The prescribed additional requirements effective July 1, 1969, must be met.

- 5) When schools have a department chairman or a person designated to supervise the driver education program, this person must be qualified as described in this Section.
- b) Invalid Driver's License – The State Board of Education, using information provided by the Secretary of State, shall on a regular basis provide to school districts and nonpublic schools employing driver education instructors who possess Illinois driver's licenses a list of driver education instructors who are in possession of an invalid driver's license as described in subsection (a)(3)(B) of this Section. It shall be the responsibility of the school district or nonpublic school employing an instructor who holds an out-of-state license to ensure that that license is valid and in good standing (e.g., has not been revoked, suspended, expired, or cancelled or is restricted by the state issuing the license).
- 1) After receiving the list, or confirmation that an out-of-state license is invalid, the school district or nonpublic school shall inform each of the instructors in writing of the determination that he or she is in possession of an invalid license and that he or she has no more than five school days to provide evidence to the school district or nonpublic school disputing the determination.
 - 2) If the initial determination is found to be correct (i.e., the instructor's license is not valid), then the driver education instructor shall be removed from the driver education program immediately.
 - 3) A driver education instructor who is removed from his or her teaching position due to an invalid license shall not be allowed to teach a driver education course for three years following the reinstatement of a valid driver's license.
 - 4) For the purposes of this subsection (b), a driver education instructor shall not be subject to the three-year suspension described in subsection (b)(3) of this Section if:
 - A) the invalid license is restored to good standing, and
 - B) the reason that the license was invalidated is due to a non-serious violation not related to driving ability or performance (e.g., failure to renew a license, failure to pay traffic fines, not possessing a mandatory insurance card).

- c) Administrators and teachers of State-approved high school driver education courses shall not acquire an interest in, teach in, or solicit for a commercial driver training school.

(Source: Amended at 37 Ill. Reg. 6639, effective May 2, 2013)

Section 252.50 Commercial Schools (Transferred)

(Source: Section 252.50 transferred to 92 Ill. Adm. Code 1060.240 (Secretary of State) pursuant to Section 5-80(d) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1005-80(d)) and Section 6-411 of the Illinois Driver License Law (Ill. Rev. Stat. 1985, ch. 95 1/2, par. 6-411) at 11 Ill. Reg. 1631.