

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 Section 27-23 of the School Code and the Driver Education Act [105 ILCS 5/27-23 and 27-24 through 27-24.8].

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Section 252.10 Definitions

"Approved Driver Education Course" is any driver education course approved by the State Superintendent of Education as meeting at least the minimum requirements of the Driver Education Act [105 ILCS 5/27-23 and 27-24] and the requirements of this Part.

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

"Combination Laboratory Program" is a type of program in which the multiple-car, driving simulation, and practice driving instruction are combined into one closely correlated program.

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

"Driver Education Course" as used in this Part 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 laboratory instruction as a unified course (see Section 252.20(c)(1) of this Part).

"Driving Range" is an off-street driving facility on which a number of cars can be used simultaneously for student driving experience. Road surfaces at least 24 feet wide are required for driving ranges. The areas shall include the following:

space for development of fundamental skills;

intersections, curves, and grades; and

lane markings and signs.

"Driving Simulators" are electromechanical devices designed to represent the driver's compartment of the automobile through which student behavioral responses and manipulative procedures can be practiced and evaluated.

"Driving Simulation Instruction" is a type of laboratory instruction employing several driving simulator units and programmed films to reproduce phenomena likely to occur in actual driving performance. The learners are confronted with sensory conditions similar to the actual task and are required to make responses applicable to the task and monitored by the teacher.

"Dual-Control Car" is a motor vehicle that has special safety and instructional equipment in addition to the regular legally prescribed equipment (see 625 ILCS 5/Ch. 12). Such equipment 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 Section 252.20(d) of this Part).

"Integrated Program" is a driver education course in which the sequence and time span of the classroom and laboratory instruction are organized in such a way as to allow for maximum transfer of training.

"Laboratory Instruction" is the part of the driver education course that provides students with practice driving experiences and opportunities for other driving experiences under real or simulated conditions.

"Multiple-Car Instruction" is a type of laboratory instruction that enables one teacher, positioned outside multiple vehicles and using electronic or oral communication, to instruct and supervise several students simultaneously, each of whom is operating a vehicle on an off-street driving range designed specifically for such instruction.

"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 practice driving.

"Practice Driving" is the part of laboratory instruction that provides learning experiences for the student as an operator behind-the-wheel of a dual-control car in traffic on public highways.

(Source: Amended at 29 Ill. Reg. 15936, effective October 3, 2005)

Section 252.20 Administration and Procedures

- a) Availability of the Course -- Sections 27-23 and 27-24.2 of the School Code [105 ILCS 5/27-23 and 27-24.2] are consistent in that under both Sections the public school district offering courses in grades nine through twelve 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 such resident is eligible as set forth in Sections 27-23 and 27-24.2. 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 approved 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 an approved driver education course at their own expense. The course must be complete to meet the requirements for certification of students.
 - 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. Such an 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 a course the next school year. The district offering the course shall notify the district of residence of those students affected by April 15.* (Section 27-24.4 of the School Code)
 - 4) An eligible student may elect to enroll in an approved driver education course at a commercial school at his or her expense.
- b) When to Offer the Course -- Any school district that includes one or more high schools offering an approved driver education course must offer both portions of the course during the school day and may offer either or both portions at other times.

- 1) Enrollment in a driver education course must be closed at the inception of the course, except as provided in subsection (b)(2) of this Section. 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 program in which the student was enrolled at the previous school offered 30 clock hours of classroom instruction and 6 clock hours of practice driving.
 - 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 program (i.e., length of time in the course, grade(s) received). The verification shall be placed in the student's temporary school record as defined in 23 Ill. Adm. Code 375.75.
- c) Program Organization -- Approved driver education courses must be organized according to the standards established in the Driver Education Act [105 ILCS 5/27-23 through 27-24.8] and this Part.
 - 1) The classroom and laboratory instruction each must be scheduled regularly throughout a period of not less than six complete weeks (four weeks allowable in summer programs and for schools using block scheduling).
 - 2) Laboratory instruction shall not begin until the student has started classroom instruction; however, a student may be enrolled in the laboratory and classroom portions of the program on a concurrent basis.
 - 3) At least one but not more than three student observers must be in the car during practice driving on public streets. At least one hour of observation time is required for each hour of practice driving.

- 4) Two hours of multiple-car instruction may be provided in lieu of one hour of practice driving in a dual-control car, provided that the driving range shall provide the following elements for learning experiences: basic driving maneuvers; basic problems of traffic flow and conflict; procedural and perceptual decision-making. A minimum of two hours must be in a dual-control car under traffic conditions.
- 5) Four hours of driving simulation instruction may be provided in lieu of one hour of practice driving, with driving simulation being used as a replacement for no more than three clock hours of practice driving. Driving simulation and practice driving must be concurrent or consecutive.
- 6) Laboratory instruction that employs a combination laboratory program, as defined in Section 252.10 of this Part, may be authorized on an annual basis provided it meets the following standards:
 - A) two clock hours of multiple-car instruction are provided in lieu of each clock hour of practice driving, with such instruction being used as a replacement for no more than four clock hours of practice driving;
 - B) four clock hours of driving simulation are provided in lieu of each clock hour of practice driving, with driving simulation being used as a replacement for no more than three clock hours of practice driving; and
 - C) no less than one clock hour of practice driving is provided.
- 7) *School districts may adopt a policy to permit proficiency examinations for the practice driving phase of the driver education course at any time after a student completes 3 hours of practice driving under direct individual instruction [105 ILCS 5/27-24.3].* The instruction provided to students under a policy adopted by the local school board pursuant to this authority must comply with the definition of "Practice Driving" in Section 252.10 of this Part and with subsection (d) of this Section, and the examination given to students after their completion of at least three clock hours of practice driving instruction must:
 - A) be the same as the examination given at the completion of six hours of practice driving; and

- B) include an assessment of each student's ability to make proper decisions in varying levels of traffic and to execute these decisions in a smooth, safe, and efficient manner.
- 8) Satisfactory driver education course completion denotes that each student has the minimum competencies that meet course objectives and is eligible for the Illinois Graduated Driver's License upon meeting all of the requirements of 625 ILCS 5/6-107.
 - 9) Integrated program course completion dates of both parts must be scheduled to coincide insofar as possible.
- d) Dual-Control Cars -- 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. Automobiles used for on-street driver education purposes must display a printed sign that measures at least 18 inches in width and nine inches in height. It must not obstruct vision through the rearview mirror or interfere with the operation of safety devices. The lettering, which must be a minimum of two inches in height, must be black on a school bus yellow background. The instructor shall occupy the front passenger seat.
 - 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.
 - 1) Schools offering an approved driver education program shall not contract for the course from any individual or driving school.
 - 2) Inasmuch as commercial driver education schools are not allowed, through the Motor Vehicle Act, to contract with another commercial school, contracting between two or more commercial driver education schools to provide the approved driver education course for youth is also prohibited.

(Source: Amended at 29 Ill. Reg. 15936, effective October 3, 2005)

Section 252.25 Eligibility of Students

- a) Pursuant to Sections 27-23 and 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 8 courses during the previous 2 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 2 semesters; or
 - 2) received a waiver of this requirement 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.
- 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 twelve-month period immediately preceding the beginning of the semester for which enrollment in driver education is sought shall be counted towards the 8 courses for which passing grades are needed.
- c) Waivers
 - 1) If in the sole judgment of the public school district superintendent or nonpublic school chief administrator of the school in which the student is or will be enrolled full-time during the semester for which enrollment in driver education is sought, waiver of the requirement set forth in subsection (a)(1) of this Section would be in the best interest of a student who has requested enrollment in driver education, the superintendent or chief school administrator may waive the requirement for that student.
 - 2) A record of any waiver granted pursuant to this subsection (c) shall be entered into the affected student's temporary student record as defined in 23 Ill. Adm. Code 375.75, or its equivalent in the case of a nonpublic high school.

- d) Verification of Eligibility
- 1) Each public school district or nonpublic school offering driver education shall be responsible for verifying the eligibility of all students seeking enrollment in such courses.
 - 2) Public school districts and nonpublic schools offering driver education 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 driver education coursework offered by an entity other than the school district or nonpublic school he or she attends, the school district or nonpublic school offering such coursework 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 driver education 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 29 Ill. Reg. 15936, effective October 3, 2005)

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

- 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]. If the local school board establishes a policy permitting students to take a proficiency examination after at least 3 clock hours of practice driving (see Section 252.20(c)(13) of this Part), and the student(s) successfully complete the examinations, the claim for reimbursement will include this fact. However, reimbursement for students who fail the proficiency examination may be claimed only upon their completion of 6 clock hours of practice driving.
 - 2) *The State shall not reimburse any district for any student enrolled in the driver education course who has repeated any part of the course more than once, who did not meet the age requirements of the Act or was otherwise ineligible during the period in which he or she was enrolled in the course* (Section 27-24.5 of the School Code), or who did not hold a valid instruction permit during the laboratory instruction, or any district that did not adequately publicize and provide the course in a reasonable time after requested.
 - 3) If the sum appropriated from the driver education fund is insufficient to pay all claims submitted each year, the amount payable to each district shall be proportionately reduced.
 - 4) *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). 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.
 - 5) The district may charge a reasonable fee -- not to exceed the amount specified in Section 27-23 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 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 such costs are incurred.

- 6) 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 Free Lunch Program Act [105 ILCS 125], 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)(3) 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 an approved 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) 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 must be maintained by the school to substantiate daily lessons, time behind the wheel, observation time, other laboratory experiences and periodic as well as final evaluation of each student. Also recorded shall be the beginning and ending dates of classroom and laboratory instruction. Students are to be identified by their instructional permit number, name, address and other personal information.

- 2) Such 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.
- e) Public School District Participation Agreement -- Prior approval affirms continuous approval as long as the school continues to maintain standards established in the Driver Education Act and this Part.

(Source: Amended at 29 Ill. Reg. 15936, effective October 3, 2005)

Section 252.40 Driver Education Personnel Requirements

- a) Qualifications of Teachers -- All persons who teach a driver education course, whether reimbursable or nonreimbursable, must meet the applicable standards of this subsection (a).
- 1) A driver education instructor who teaches in a public school district shall hold a secondary teaching certificate and either have an endorsement for safety and driver education or meet the requirements of 23 Ill. Adm. Code 1.730(q).
 - 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).
 - 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. For the purposes of this subsection (a)(3)(B), a driver's license 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 (see 625 ILCS 5/6-205) or judicial driving permit (see 625 ILCS 5/6-206.1).
 - 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 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.
- 1) After receiving the list, the school district or nonpublic school shall inform each of the instructors in writing of the Secretary of State's 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 in a driver education program 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, violation of EPA emission standards, failure to pay traffic fines, not possessing a mandatory insurance card).
- c) Administrators and teachers of State-approved high school driver education programs shall not acquire an interest in, teach in, or solicit for a commercial driver education school.

(Source: Amended at 29 Ill. Reg. 15936, effective October 3, 2005)

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.