Agenda Topic: Proposed Amendments: Driver Education (Part 252)

Materials: Recommended Amendments

Staff Contact(s): Marcia Sailsbury

Purpose of Agenda Item

To present the proposed amendments for the Board's initial review and secure authorization to distribute them for public comment.

Expected Outcome(s) of Agenda Item

A motion authorizing the staff to publish the proposed amendments in the Illinois Register to elicit public comment.

Background Information

These proposed amendments address several areas of operation that driver education staff believe need to be changed or clarified to enable school districts to operate driver education programs more efficiently and effectively. The proposed amendments:

- clarify that a student who transfers to a new school after the start of the driver education course at that school may be enrolled under certain conditions (see Section 252.20(b)(3));
- clarify that students may be enrolled concurrently in both the classroom portion of the program and in the behind-the-wheel portion (see Section 252.20(c)(6));
- provide that reimbursement for transferring students be claimed by the school district to which the student has transferred (see Section 252.30(c));
- remove outdated certification requirements and provides a cross-reference to the agency’s rules that articulates the current requirements (see Section 252.40); and
- define valid driving license for the purposes of providing driver education instruction (see Section 252.40).

Other changes are technical in nature or make language conform to current laws (i.e., Graduated Driver’s License, commercial driving schools [P.A. 88-628]).

Analysis and Implications for Policy, Budget, Legislative Action and Communications
Policy Implications: The most significant change proposed by this rulemaking is articulating in the rules what constitutes a valid driver’s license for an individual who is working as a driver education instructor and providing a mechanism to inform school districts when driver education instructors are in possession of an invalid license.

Under the proposed amendments, any permit other than a driver’s license in good standing, would not be a valid license for the purposes of providing driver education instruction for students. This proposed change specifies that neither restricted driving permits nor judicial driving permits, which allow individuals to continue to drive legally under certain circumstances, will be valid licenses for the provision of driver education instruction in either a public school district or in a nonpublic school.

Under the proposal, the State Board of Education will provide to school districts the names of driver education instructors who are in possession of an invalid driver’s license as defined in the proposed amendments. School districts must notify any employee whose name appears on the list and allow him or her an opportunity to dispute the finding. School districts must remove from the driver education program immediately any instructor whose license is found not to be valid. Such an instructor will not be allowed to teach in a driver education program for three years following the reinstatement of a valid driver’s license.

The proposed amendments also recognize that an instructor’s license may be invalid due to circumstances not related to driving ability or performance, such as failure to pay traffic fines, failure to renew a license, not possessing an insurance card, or violation of EPA emission standards. In these cases, and in situations where a driver’s license is returned to good standing within 30 days after receipt of notification, the three-year suspension from teaching in a driver education program, as described above, will not be imposed.

Agency staff worked with the Secretary of State’s office and with members of the Illinois High School and College Driver Education Association in drafting these amendments. Staff report that driver education instructors supported the proposed requirements. Imposing a uniform definition of valid driver’s license and periodic notification to school districts about instructors holding invalid licenses will ensure that those individuals convicted of a serious violation, including driving under the influence or accidents involving serious injury or death, will not be allowed to continue providing driving instruction to students.

Budget Implications: None.

Legislative Implications: None.

Communications: Please see "Next Steps" below.

Pros and Cons of Various Actions
This rulemaking is partly in response to a legislative initiative that the Secretary of State’s office proposed last session that would have put in place a mechanism to check the validity of all driver education instructors’ licenses. At the time, agency staff informed the Secretary of State that the agency had no authority to do this without a legislative mandate. Defining in the rules what constitutes a valid driver’s license for the purpose of driver education will put instructors and school districts on notice and ensure that the same standard is applied consistently across the state. It is important to note that the proposed rule does not establish a new standard but only clarifies instances when a driver’s license is considered invalid.

If these proposed amendments do not go forward, then a driver education instructor who holds a judicial or restricted driving permit, which allows them to drive for the purposes of his or her employment, could challenge a school district’s determination to remove him or her from the driver education program, despite a conviction for a serious driving violation.

Superintendent’s Recommendation

Direct the dissemination of the proposed amendments for public comment.

Next Steps

With the Board’s authorization, staff will submit the proposed amendments to the Administrative Code Division for publication in the Illinois Register to elicit public comment. In addition, the proposed amendments will be placed on the agency’s website so that individuals may review them and comment on the content, if they have concerns.