

ILLINOIS REGISTER

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

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PART 252
DRIVER EDUCATION

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

SOURCE: Adopted September 4, 1975; codified at 8 Ill. Reg. 1585; emergency amendment at 9 Ill. Reg. 15558, effective October 1, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 12922, effective July 22, 1986; 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 [5 ILCS 100/5-80(d)] and Section 6-411 of the Illinois Driver License Law [625 ILCS 5/6-411] at 11 Ill. Reg. 1631; amended at 18 Ill. Reg. 16307, effective October 25, 1994; amended at 22 Ill. Reg. 7577, effective April 17, 1998; amended at 26 Ill. Reg. 10476, effective July 1, 2002; amended at 28 Ill. Reg. 15481, effective November 22, 2004; amended at 29 Ill. Reg. 15936, effective October 3, 2005; amended at 32 Ill. Reg. 10922, effective July 7, 2008; amended at 33 Ill. Reg. 15273, effective October 20, 2009; amended at 34 Ill. Reg. 3018, effective February 18, 2010; amended at 37 Ill. Reg. 6639, effective May 2, 2013; amended at 39 Ill. Reg. 6705, effective April 27, 2015; amended at 42 Ill. Reg. 8946, effective May 16, 2018; amended at 44 Ill. Reg. 9212, effective May 12, 2020; emergency amendment at 45 Ill. Reg. _____, effective _____, for a maximum of 150 days.

Section 252.10 Definitions

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"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 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. The preferred instruction method is face-to-face interaction in a traditional classroom setting; however, a school district may provide for a distance learning program in accordance with Section 252.20(c)(2).

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

"Distance Learning Program" means a program of study in which all participating teachers and students do not physically meet in the classroom and instead use the Internet, email, or any other method other than the classroom to provide instruction.

"Driver Education Act" or "Act" means 105 ILCS 5/27-24 through 27-24.10.

"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 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)).

"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 age" means a student who is 21 years of age or a student with an individualized education program who reaches the age of 22 during the time in which the student's in-person instruction, services, or activities are suspended for

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a period of 3 months or more during the school year as a result of the COVID-19 pandemic. All other requirements of Section 14-17 of the School Code shall apply to such students.

"Eligible Student" is a student who meets the conditions of Section 27-24.2 of the Act 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.

"School Code" or "Code" means 105 ILCS 5.

(Source: Amended by emergency rulemaking at 45 Ill. Reg. _____, effective _____, for a maximum of 150 days)

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- 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 years of age and the eligible age 21 years who requests the course, provided the resident is eligible as set forth in Section 27-24.2 of the Code. All eligible students who reside in a school district must be provided an equal opportunity to enroll in driver education. 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

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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 the course the next school year. The district offering the 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

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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 (Definitions).
- 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. [105 ILCS 5/27-24.2]*
- c) Course Organization – Driver education courses must be organized according to the standards established in the Act 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). A school district may provide a portion of classroom instruction through a distance learning program. A school district's decision to allow a student to take a portion of the driver education course through a distance learning program must be determined on a case-by-case basis and must be approved by the school's administration, including the student's driver education teacher, and the student's parent or guardian. Under no circumstances may the student take the entire driver education course through a distance learning program.
 - 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

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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 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. *A school district may contract with a commercial driver training school approved by the Secretary of State to provide both the classroom instruction part and the behind-the-wheel part or either one separately.* [105 ILCS 5/27-24.4] If a school district elects to contract with an SOS approved commercial driver training school, the school district shall submit the Driver Education – Commercial Driver Training School Contract Reporting form to the State Board. (See Appendix A.) Each instructor employed by the commercial driver training school serving public school students under the age of 18 must meet the personnel requirements of Section 252.40.
 - 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 625 ILCS 5/Ch. 6, Art. IV and rules promulgated by SOS (92 Ill. Adm. Code 1030 (Issuance of Licenses));
 - 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.aded.net/>, 200 First Avenue NW, Suite 505, Hickory NC 28601); and

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- 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 24-24.2 of the Code, a district that provides driver education through a contract with a commercial driver training school 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;
 - C) maintain a record of all materials related to the commercial driving school contract, which shall be made available to parents and guardians upon request (see Section 27-24.2 of the Code); and
 - D) except for a Certified Driver Rehabilitation Specialist, ensure the teacher meets the educator licensure and endorsement requirements of Article 21B of the Code. The teacher shall follow the same evaluation and observation requirements that apply to non-tenured teachers under Article 24A of the Code. The teacher evaluation must be conducted by a school administrator employed by the school district and must be submitted annually to the district superintendent and all school board members for oversight purposes.

(Source: Amended by emergency rulemaking at 45 Ill. Reg. _____, effective _____, for a maximum of 150 days)