

ILLINOIS STATE BOARD OF EDUCATION DRIVER EDUCATION FREQUENTLY ASKED QUESTIONS

Requirements for driver education are provided in Sections 27-23 and 27-24 through 27-24.8 of the School Code, (105 ILCS 5/27-23, 27-24 through 27-24.8), as well as in administrative rules governing [Driver Education](#) (23 Ill. Adm. Code 252). This document was prepared and will be updated as needed to assist local education agencies with the frequently asked questions regarding driver education.

QUESTIONS	PAGE
Are school districts in Illinois required to provide Driver Education?	1
Are there specific content areas that must be taught by all schools that provide driver education?	1
How much classroom and behind-the-wheel instruction must be provided by public districts?	1
What is “observation time” and how much is required by students?	2
Can driving simulators be used to meet the required six hours of behind-the-wheel instruction?	2
Can time on a “range course” be counted for a portion of behind-the-wheel?	2
Can a student take a proficiency examination after three hours of behind-the-wheel instruction?	2
How early may a student begin driver education?	2
What are the student eligibility requirements in order to take driver education?	2
Are districts required to offer driver education to nonpublic school students?	3
If a student is not receiving a passing grade in at least eight courses during the previous two semesters can a waiver be granted?	3
How soon can a student receive an instruction permit prior to starting classroom instruction?	3
Can driver education instruction or an instruction permit be withheld from a student for failure to pay a school district fee?	3
Is driver's education required of new drivers under age 18?	4
Is a public school required to offer driver education during regular school hours?	4
As part of the licensing process, are teens required to drive a certain amount of hours with an adult before they are allowed to receive their license?	4
How do I check to see if my student’s high school has submitted his/her completion information, and the information has been approved by the Secretary of State’s office?	4

QUESTIONS	PAGE
<u>Are there curfew hours for drivers under the age of 18?</u>	4
<u>What are the restrictions for cellular phone use by a student?</u>	4
<u>What are the requirements or training to become a public school driver education teacher?</u>	5
<u>Does the State Board of Education verify that driver education instructors hold a valid driver's license?</u>	6
<u>Can an approved driver education teacher teach in a public school and a commercial driving school?</u>	6
<u>Can school districts charge a fee for driver's education?</u>	6
<u>Can a school district use its driver education fee revenue and State reimbursement for general district operations?</u>	6
<u>Are districts bound by the \$50 fee if they offer driver education during the summer?</u>	6
<u>Do school districts have the ability to increase the driver education fee?</u>	7
<u>How are waiver applications to increase the driver education fee approved or denied?</u>	8
<u>Can denials of waivers of School Code mandates be appealed?</u>	8
<u>Can a school district request to waive or modify a requirement that is contained in the State Board of Education's rules for Driver Education?</u>	8
<u>Can a denial of a request to waive or modify the administrative rules be appealed?</u>	8

Are school districts in Illinois required to provide Driver Education?

Yes. Any school district which maintains grades 9 through 12 must offer a driver education course in any such school which it operates. Both the classroom instruction part and the practice driving part of the driver education course must be open to a resident or non-resident pupil attending a non-public school in the district wherein the course is offered who is at least 15 but has not reached 21 years of age, without regard to whether any such person is enrolled in any other course offered in any school that the district operates.

Are there specific content areas that must be taught by all schools that provide driver education?

Yes. Section 27-23 mandates that all public schools must include the content of Chapters 11, 12, 13, 15, and 16 of the Illinois Vehicle Code [625 ILCS 5/11-100 et seq., 625 ILCS 5/12-100 et seq., 625 ILCS 5/13-100 et seq., 625 ILCS 5/15-100 et seq., and 625 ILCS 5/16-101 et seq.], the administrative rules adopted pursuant to those Chapters insofar as they pertain to the operation of motor vehicles, and the portions of the Litter Control Act [415 ILCS 105/1 et seq.] relating to the operation of motor vehicles.

In addition, the Illinois Secretary of State produces the publication [The Rules of the Road](#) to inform potential drivers of all pertinent laws in Illinois. In addition the “course of instruction given in grades 10 through 12 shall include an emphasis on the development of knowledge, attitudes, habits and skills necessary for the safe operation of motor vehicles including motorcycles insofar as they can be taught in the classroom, and in addition the course shall include instruction on special hazards existing at, and required extra safety and driving precautions that must be observed at, emergency situations, highway construction and maintenance zones, and railroad crossings and the approaches thereto.”

The Illinois Compiled Statutes that include the School Code (Chapter 105, Schools) and the Illinois Vehicle Code (Chapter 625, Vehicles) can be accessed at <http://www.ilga.gov/legislation/ilcs/ilcs.asp>.

How much classroom and behind-the-wheel instruction must be provided by public districts?

Each student must complete and pass a minimum of 30 hours of classroom training and six hours of behind-the-wheel instruction on public roadways under the direct supervision of a certified instructor.

What is “observation time” and how much is required by students?

Observation time refers to that time during which a student is riding in the back seat of a dual-control vehicle observing instructions of the driver education instructor and procedures and techniques of the student driver who is participating in behind-the-wheel instruction. 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 (a total of six hours).

Can driving simulators be used to meet the required six hours of behind-the-wheel instruction?

No. Per Public Act 95-0310, effective July 1, 2008, removed the provision from the law authorizing the State Board of Education to identify other ways in which a student could meet the required six hours of behind-the-wheel training, which included driving simulators. **Note:** Computer driving simulation can still be used for practice time in the school settings, but cannot count towards the six hours of behind-the-wheel instruction.

Can time on a “range course” be counted for a portion of behind-the-wheel?

No. Per Public Act 95-0310, effective July 1, 2008, removed the provision from the law authorizing the State Board of Education to identify other ways in which a student could meet the required six hours of behind-the-wheel training, which included “range course”. **Note:** “Range course” can still be used for practice time in the school settings, but cannot count towards the six hours of behind-the-wheel instruction.

Can a student take a proficiency examination after three hours of behind-the-wheel instruction?

No. Per Public Act 95-0310, effective January 1, 2008, removed the provision from the law permitting school districts to adopt policies allowing for proficiency examinations after only three hours of behind-the-wheel instruction.

How early may a student begin driver education?

Per Section 27-24.2 of the School Code, a student may be allowed to commence the classroom instruction part of a driver education course prior to reaching age 15 if the student then will eligible to complete the entire course within 12 months after being allowed to commence classroom instruction.

What are the student eligibility requirements in order to take driver education?

Each student must be enrolled in high school and receive a passing grade in at least eight courses during the previous two semesters prior to enrolling in a driver education course. If a pupil is a freshman and 15 years of age, school districts may count passing grades from the last semester of the student’s eighth-grade school year.

Are districts required to offer driver education to nonpublic school students?

Yes. Per Section 27-24.2 of the School Code, the classroom instruction part and the practice driving part of the driver education course shall be open to a resident or non-resident pupil attending a non-public school in the district wherein the course is offered.

Note: Home schools are recognized as nonpublic schools in Illinois.

The chief administrator of the nonpublic school or parent of a home school student must notify the local public district by April 1 of the name of the nonpublic student who wishes to take the driver's education course during the next school year.

The chief administrator of the nonpublic school or parent of a home school student must provide evidence to the public school that the student has received a passing grade in at least eight courses during the previous two semesters at the time the parent or guardian completes an official application for enrollment of the student in driver education.

If a student is not receiving a passing grade in at least eight courses during the previous two semesters can a waiver be granted?

Yes. The district superintendent or chief school administrator for a nonpublic school may waive the requirement if he or she deems it to be in the best interest of the student.

How soon can a student receive an instruction permit prior to starting classroom instruction?

Per Illinois Secretary of State's administrative rules enacted on April 4, 2008, a permit shall not be issued to a student more than 30 days before the student begins participating in an approved driver education course.

Can driver education instruction or an instruction permit be withheld from a student for failure to pay a school district fee?

Each school district must have a policy regarding school fees as per Sections 10-20.13 and 34-21.6 of the School Code (also see Section 1.245 of administrative rules for Public School Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1.245) at <http://www.isbe.net/rules/archive/pdfs/oneark.pdf>).

Section 28.19.2(a) of the School Code provides that "no discrimination or punishment of any kind, including the lowering of grades or exclusion from classes, may be exercised against a student whose parents or guardians are unable to purchase required textbooks or instructional materials or to pay required fees".

Is driver's education required of new drivers under age 18?

Yes. All students under the age of 18 must have successfully completed a driver education course to receive a license.

Is a public school required to offer driver education during regular school hours?

Yes. Any school district that includes one or more high schools offering a driver education course must offer both the classroom and behind-the-wheel portions a minimum of one period during the day and may offer the course before or after school, or weekends.

As part of the licensing process, are teens required to drive a certain amount of hours with an adult before they are allowed to receive their license?

Yes. Section 6-107 of the Illinois Vehicle Code (625 ILCS 5/6-107) requires that a student less than 18 years of age complete 50 hours of practice driving, including 10 hours of nighttime driving. The law requires a parent, legal guardian, or other responsible adult to provide written consent at the time of the application for a driver's license verifying that the applicant is sufficiently prepared and able to operate a motor vehicle safely.

How do I check to see if my student's high school has submitted his/her completion information, and the information has been approved by the Secretary of State's office?

Go to the ISBE Home page at www.isbe.net
Under the column "Parents/Students", click on "A-Z Index"
On the alphabet bar, click on "D" (for Driver Education)
Click on "Driver Education Student License Inquiry"

The student's permit number should be typed in the space available. If the completion information has been submitted by the student's high school and uploaded to the Secretary of State's office (without errors), the screen will indicate that the student is approved to get his or her license. Please remember that this only indicates if the completion information has been submitted and approved. The student still has to hold his or her permit for the required time.

Are there curfew hours for drivers under the age of 18?

Yes. Effective January 1, 2008, PA 95-0310 changed the weekday curfew to 10 p.m. from 11 p.m. and to 11 p.m. from midnight on weekends for all drivers under the age of 18. Exceptions are made if driving with an adult, to and from work, school, or church event, and emergencies.

What are the restrictions for cellular phone use by a student?

Per Section 12-610.1 of the Illinois Vehicle Code, a person under the age of 19 years who holds an instruction permit issued under Section 6-105 or 6-107.1 of the Code, or a person under the age of 19 years who holds a graduated license issued under Section 6-107 of the Code, may not drive a vehicle on a roadway while using a wireless phone.

This restriction does not apply to a person under the age of 19 years using a wireless telephone for emergency purposes, including, but not limited to, an emergency call to a law enforcement agency, health care provider, fire department, or other emergency services agency or entity.

What are the requirements or training to become a public school driver education teacher?

Requirements for driver education teachers can be found in Section 252.40(a) of rules for Driver Education and Section 1.730(q) of rules for Public Schools Evaluation, Recognition and Supervision. The relevant portions of those rules are copied below.

Section 252.40(a)

- a) Qualifications of Teachers – All persons who teach a driver education course, whether reimbursable or non-reimbursable, 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 Ill Admin Code 1.730(q).
 - 3) A driver education instructor who teaches either in 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 driver permit (see 625 ILCS 5/6-205) or judicial driving permit (see 625 ILCS 5/6-206.1).

Section 1.730(q)

- q) Safety and Driver Education (Grades 9 through 12)

16 semester hours in the field, including preparation as follows:

- 1) 3 semester hours in general safety
- 2) 5 hours in driver education and advanced traffic safety
- 3) 8 semester hours chosen from two or more of the following areas:
 - A) General Safety, including traffic and industrial safety
 - B) Advanced psychology and sociology
 - C) First Aid and health education
 - D) Instructional materials.
- 4) Teachers assigned to either simulation or multiple-car programs shall have preparation in the use of these methods which shall consist of a minimum of 1 semester hour or its equivalent in each area

Does the State Board of Education verify that driver education instructors hold a valid driver's license?

Yes. All driver education instructors must hold a driver's license in good standing. 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).

The Illinois State Board of Education (ISBE) transmits a weekly file of all driver education instructors and their driver's license numbers to the Illinois Secretary of State to verify that the instructor holds a valid license. The district superintendent is notified by ISBE if a license is determined to be invalid. Based on the severity of the violation, 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.

Can an approved driver education teacher teach in a public school and a commercial driving school?

No. Per Section 252.40(c) of the rules for Driver Education, "*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.*"

Can school districts charge a fee for driver's education?

Yes. Section 27-23 of the School Code allows school districts to charge "a reasonable fee not to exceed \$50". This fee was enacted as part of the 1985 reform package (PA 84-126).

Can a school district use its driver education fee revenue and State reimbursement for general district operations?

No. Section 27-23 of the School Code requires that all driver education fees and State reimbursement for driver education be deposited into the school district's driver education fund as a separate line item budget entry. The money in the district's driver education fund can only be used for the funding of a high school driver education program approved by the State Board of Education that uses instructors certified by the State Board of Education.

Are districts bound by the \$50 fee if they offer driver education during the summer?

No. Under Section 10-22.33A of the School Code, school districts may charge fees for courses taken during summer school, including fees for driver education courses. Any fee charged during summer school may not exceed the actual cost for the summer course which may include stipends for the teachers that are providing summer instruction. When determining the amount of the fee charged during the regular term, which cannot exceed \$50, a school district must not include the cost of salary or benefits.

Do school districts have the ability to increase the driver education fee?

Yes. Under the provisions of Section 2-3.25g of the School Code, a school district can submit a waiver application to the Illinois State Board of Education (ISBE) to increase the \$50 fee.

Requests for waivers and modifications can be submitted **only** after the applicant has held a public hearing. Effective July 1, 2006, applicants may hold the required public hearing on the day of a regularly scheduled meeting **so long as a separate time period** is provided to take testimony on the waiver or modification request.

All applicants must provide proper notice of the hearing at least seven days before the hearing date. The following public notices about the hearing must be provided, all of which must state the time, date, location and general subject matter of the hearing.

1. For **school districts**, a notice must be published in a newspaper of general circulation within the school district at least seven days in advance of the hearing. For **joint agreements, ISCs or regional superintendents**, a notice must be published in a newspaper of general circulation in each school district that is a member of the joint agreement or that is served by the regional office of education or intermediate service region, provided that a notice in a newspaper generally circulated in more than one school district shall be considered sufficient notice to all of the affected districts. The notice must be published at least seven days in advance of the hearing.
2. For **all applicants**, a written notice must be addressed and provided to the applicant's exclusive collective bargaining agents at least seven days in advance of the hearing; this notice must also state that testimony will be taken from staff.
3. For **all applicants**, written advance notices must be addressed and provided to the state legislators representing the applicant's territory.

Please note that the public hearing held to consider waiver applications must conform to the requirements of the Open Meetings Act (5 ILCS 120/1).

More information about the waiver process can be found at <http://www.isbe.net/isbewaivers/default.htm>.

Under Section 252.30(a)(7) of rules for Driver Education, 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 125/1 et seq.], 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).

How are waiver applications to increase the driver education fee approved or denied?

Under the waiver law, all applications that seek to waive a mandate contained in the School Code are acted on by the General Assembly. Applications for General Assembly's consideration are reviewed for completeness and submitted in a report to the General Assembly before March 1 and October 1 of each year.

The General Assembly must consider the waivers contained in the report the next time it reconvenes following receipt of the report. The General Assembly has 60 calendar days after reconvening to disapprove any waiver requests contained in the report. The waivers are deemed granted if the General Assembly does not act to disapprove any requests during these time periods.

Can denials of waivers of School Code mandates be appealed?

No. The waiver law does not allow for appeals of denials by the General Assembly.

Can a school district request to waive or modify a requirement that is contained in the State Board of Education's rules for Driver Education?

Yes. A school district would use the same process as described above to submit an application to the State Board to waive or modify an administrative rule. All waivers and modifications of administrative rules are approved or denied by the State Board of Education, which must act on a complete request within 45 days of receiving the request.

Can a denial of a request to waive or modify the administrative rules be appealed?

A decision by the State Board of Education to deny a waiver or modification of agency rules or a modification of a School Code mandate may be appealed to the General Assembly.

- The applicant must notify the State Board of Education in writing within 30 calendar days after receiving the denial letter that it wishes to appeal the denial.
- The written appeal must include:
- the date the local board of education, governing board or regional superintendent of schools approved the original request,
- the citation of the rule or School Code section involved, and
- a brief description of the issue.
- Appeals are forwarded to the General Assembly in the next report submitted.
- The General Assembly must consider the appeals contained in the report the next time it reconvenes following receipt of the report. The General Assembly has 60 calendar days after reconvening to disapprove any appeals contained in the report. If it does not act to disapprove any appeals during that time period, then the appeals are deemed granted.