



## 100TH GENERAL ASSEMBLY

### State of Illinois

### 2017 and 2018

### SB1712

Introduced 2/9/2017, by Sen. Jason A. Barickman

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.25g	from Ch. 122, par. 2-3.25g
105 ILCS 5/10-22.34c	
105 ILCS 5/27-6	from Ch. 122, par. 27-6
105 ILCS 5/27-24.2	from Ch. 122, par. 27-24.2

Amends the School Code. In provisions allowing a board of education to enter into a contract with a third party for non-instructional services currently performed by any employee or bargaining unit member, removes a provision that requires any third party that submits a bid to perform the non-instructional services to provide a benefits package for the third party's employees who will perform the non-instructional services comparable to the benefits package provided to school board employees who perform those services. With respect to excusing pupils from engaging in physical education courses, provides for additional reasons why a pupil may be excused, pursuant to school board policy. Requires a public hearing on whether to adopt such a policy to be held at a regular or special school board meeting prior to adopting the policy. Provides that a school district may offer a driver education course in a school by contracting with a commercial driver training school to provide both the classroom instruction part and the practice driving part or either one without having to request a modification or waiver of administrative rules of the State Board of Education if a public hearing on whether to enter into a contract with a commercial driver training school has been held at a regular or special school board meeting prior to entering into such a contract; sets forth requirements concerning the contract.

LRB100 09679 MLM 19848 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Sections  
5 2-3.25g, 10-22.34c, 27-6, and 27-24.2 as follows:

6 (105 ILCS 5/2-3.25g) (from Ch. 122, par. 2-3.25g)

7 Sec. 2-3.25g. Waiver or modification of mandates within the  
8 School Code and administrative rules and regulations.

9 (a) In this Section:

10 "Board" means a school board or the governing board or  
11 administrative district, as the case may be, for a joint  
12 agreement.

13 "Eligible applicant" means a school district, joint  
14 agreement made up of school districts, or regional  
15 superintendent of schools on behalf of schools and programs  
16 operated by the regional office of education.

17 "Implementation date" has the meaning set forth in  
18 Section 24A-2.5 of this Code.

19 "State Board" means the State Board of Education.

20 (b) Notwithstanding any other provisions of this School  
21 Code or any other law of this State to the contrary, eligible  
22 applicants may petition the State Board of Education for the  
23 waiver or modification of the mandates of this School Code or

1 of the administrative rules and regulations promulgated by the  
2 State Board of Education. Waivers or modifications of  
3 administrative rules and regulations and modifications of  
4 mandates of this School Code may be requested when an eligible  
5 applicant demonstrates that it can address the intent of the  
6 rule or mandate in a more effective, efficient, or economical  
7 manner or when necessary to stimulate innovation or improve  
8 student performance. Waivers of mandates of the School Code may  
9 be requested when the waivers are necessary to stimulate  
10 innovation or improve student performance. Waivers may not be  
11 requested from laws, rules, and regulations pertaining to  
12 special education, teacher educator licensure, teacher tenure  
13 and seniority, or Section 5-2.1 of this Code or from compliance  
14 with the No Child Left Behind Act of 2001 (Public Law 107-110).  
15 Eligible applicants may not seek a waiver or seek a  
16 modification of a mandate regarding the requirements for (i)  
17 student performance data to be a significant factor in teacher  
18 or principal evaluations or (ii) teachers and principals to be  
19 rated using the 4 categories of "excellent", "proficient",  
20 "needs improvement", or "unsatisfactory". On September 1,  
21 2014, any previously authorized waiver or modification from  
22 such requirements shall terminate.

23 (c) Eligible applicants, as a matter of inherent managerial  
24 policy, and any Independent Authority established under  
25 Section 2-3.25f-5 of this Code may submit an application for a  
26 waiver or modification authorized under this Section. Each

1 application must include a written request by the eligible  
2 applicant or Independent Authority and must demonstrate that  
3 the intent of the mandate can be addressed in a more effective,  
4 efficient, or economical manner or be based upon a specific  
5 plan for improved student performance and school improvement.  
6 Any eligible applicant requesting a waiver or modification for  
7 the reason that intent of the mandate can be addressed in a  
8 more economical manner shall include in the application a  
9 fiscal analysis showing current expenditures on the mandate and  
10 projected savings resulting from the waiver or modification.  
11 Applications and plans developed by eligible applicants must be  
12 approved by the board or regional superintendent of schools  
13 applying on behalf of schools or programs operated by the  
14 regional office of education following a public hearing on the  
15 application and plan and the opportunity for the board or  
16 regional superintendent to hear testimony from staff directly  
17 involved in its implementation, parents, and students. The time  
18 period for such testimony shall be separate from the time  
19 period established by the eligible applicant for public comment  
20 on other matters. If the applicant is a school district or  
21 joint agreement requesting a waiver or modification of Section  
22 27-6 of this Code, the public hearing shall be held on a day  
23 other than the day on which a regular meeting of the board is  
24 held.

25 (c-5) If the applicant is a school district, then the  
26 district shall post information that sets forth the time, date,

1 place, and general subject matter of the public hearing on its  
2 Internet website at least 14 days prior to the hearing. If the  
3 district is requesting to increase the fee charged for driver  
4 education authorized pursuant to Section 27-24.2 of this Code,  
5 the website information shall include the proposed amount of  
6 the fee the district will request. All school districts must  
7 publish a notice of the public hearing at least 7 days prior to  
8 the hearing in a newspaper of general circulation within the  
9 school district that sets forth the time, date, place, and  
10 general subject matter of the hearing. Districts requesting to  
11 increase the fee charged for driver education shall include in  
12 the published notice the proposed amount of the fee the  
13 district will request. If the applicant is a joint agreement or  
14 regional superintendent, then the joint agreement or regional  
15 superintendent shall post information that sets forth the time,  
16 date, place, and general subject matter of the public hearing  
17 on its Internet website at least 14 days prior to the hearing.  
18 If the joint agreement or regional superintendent is requesting  
19 to increase the fee charged for driver education authorized  
20 pursuant to Section 27-24.2 of this Code, the website  
21 information shall include the proposed amount of the fee the  
22 applicant will request. All joint agreements and regional  
23 superintendents must publish a notice of the public hearing at  
24 least 7 days prior to the hearing in a newspaper of general  
25 circulation in each school district that is a member of the  
26 joint agreement or that is served by the educational service

1 region that sets forth the time, date, place, and general  
2 subject matter of the hearing, provided that a notice appearing  
3 in a newspaper generally circulated in more than one school  
4 district shall be deemed to fulfill this requirement with  
5 respect to all of the affected districts. Joint agreements or  
6 regional superintendents requesting to increase the fee  
7 charged for driver education shall include in the published  
8 notice the proposed amount of the fee the applicant will  
9 request. The eligible applicant must notify in writing the  
10 affected exclusive collective bargaining agent and those State  
11 legislators representing the eligible applicant's territory of  
12 its intent to seek approval of a waiver or modification and of  
13 the hearing to be held to take testimony from staff. The  
14 affected exclusive collective bargaining agents shall be  
15 notified of such public hearing at least 7 days prior to the  
16 date of the hearing and shall be allowed to attend such public  
17 hearing. The eligible applicant shall attest to compliance with  
18 all of the notification and procedural requirements set forth  
19 in this Section.

20 (d) A request for a waiver or modification of  
21 administrative rules and regulations or for a modification of  
22 mandates contained in this School Code shall be submitted to  
23 the State Board of Education within 15 days after approval by  
24 the board or regional superintendent of schools. The  
25 application as submitted to the State Board of Education shall  
26 include a description of the public hearing. ~~Except with~~

1 ~~respect to contracting for adaptive driver education, an~~  
2 ~~eligible applicant wishing to request a modification or waiver~~  
3 ~~of administrative rules of the State Board of Education~~  
4 ~~regarding contracting with a commercial driver training school~~  
5 ~~to provide the course of study authorized under Section 27-24.2~~  
6 ~~of this Code must provide evidence with its application that~~  
7 ~~the commercial driver training school with which it will~~  
8 ~~contract holds a license issued by the Secretary of State under~~  
9 ~~Article IV of Chapter 6 of the Illinois Vehicle Code and that~~  
10 ~~each instructor employed by the commercial driver training~~  
11 ~~school to provide instruction to students served by the school~~  
12 ~~district holds a valid teaching certificate or teaching~~  
13 ~~license, as applicable, issued under the requirements of this~~  
14 ~~Code and rules of the State Board of Education. Such evidence~~  
15 ~~must include, but need not be limited to, a list of each~~  
16 ~~instructor assigned to teach students served by the school~~  
17 ~~district, which list shall include the instructor's name,~~  
18 ~~personal identification number as required by the State Board~~  
19 ~~of Education, birth date, and driver's license number. If the~~  
20 ~~modification or waiver is granted, then the eligible applicant~~  
21 ~~shall notify the State Board of Education of any changes in the~~  
22 ~~personnel providing instruction within 15 calendar days after~~  
23 ~~an instructor leaves the program or a new instructor is hired.~~  
24 ~~Such notification shall include the instructor's name,~~  
25 ~~personal identification number as required by the State Board~~  
26 ~~of Education, birth date, and driver's license number. If a~~

1 ~~school district maintains an Internet website, then the~~  
2 ~~district shall post a copy of the final contract between the~~  
3 ~~district and the commercial driver training school on the~~  
4 ~~district's Internet website. If no Internet website exists,~~  
5 ~~then the district shall make available the contract upon~~  
6 ~~request. A record of all materials in relation to the~~  
7 ~~application for contracting must be maintained by the school~~  
8 ~~district and made available to parents and guardians upon~~  
9 ~~request. The instructor's date of birth and driver's license~~  
10 ~~number and any other personally identifying information as~~  
11 ~~deemed by the federal Driver's Privacy Protection Act of 1994~~  
12 ~~must be redacted from any public materials. Following receipt~~  
13 of the waiver or modification request, the State Board shall  
14 have 45 days to review the application and request. If the  
15 State Board fails to disapprove the application within that 45  
16 day period, the waiver or modification shall be deemed granted.  
17 The State Board may disapprove any request if it is not based  
18 upon sound educational practices, endangers the health or  
19 safety of students or staff, compromises equal opportunities  
20 for learning, or fails to demonstrate that the intent of the  
21 rule or mandate can be addressed in a more effective,  
22 efficient, or economical manner or have improved student  
23 performance as a primary goal. Any request disapproved by the  
24 State Board may be appealed to the General Assembly by the  
25 eligible applicant as outlined in this Section.

26 A request for a waiver from mandates contained in this



1 School Code shall be submitted to the State Board within 15  
2 days after approval by the board or regional superintendent of  
3 schools. The application as submitted to the State Board of  
4 Education shall include a description of the public hearing.  
5 The description shall include, but need not be limited to, the  
6 means of notice, the number of people in attendance, the number  
7 of people who spoke as proponents or opponents of the waiver, a  
8 brief description of their comments, and whether there were any  
9 written statements submitted. The State Board shall review the  
10 applications and requests for completeness and shall compile  
11 the requests in reports to be filed with the General Assembly.  
12 The State Board shall file reports outlining the waivers  
13 requested by eligible applicants and appeals by eligible  
14 applicants of requests disapproved by the State Board with the  
15 Senate and the House of Representatives before each March 1 and  
16 October 1. The General Assembly may disapprove the report of  
17 the State Board in whole or in part within 60 calendar days  
18 after each house of the General Assembly next convenes after  
19 the report is filed by adoption of a resolution by a record  
20 vote of the majority of members elected in each house. If the  
21 General Assembly fails to disapprove any waiver request or  
22 appealed request within such 60 day period, the waiver or  
23 modification shall be deemed granted. Any resolution adopted by  
24 the General Assembly disapproving a report of the State Board  
25 in whole or in part shall be binding on the State Board.

26 (e) An approved waiver or modification (except a waiver

1 from or modification to a physical education mandate) may  
2 remain in effect for a period not to exceed 5 school years and  
3 may be renewed upon application by the eligible applicant.  
4 However, such waiver or modification may be changed within that  
5 5-year period by a board or regional superintendent of schools  
6 applying on behalf of schools or programs operated by the  
7 regional office of education following the procedure as set  
8 forth in this Section for the initial waiver or modification  
9 request. If neither the State Board of Education nor the  
10 General Assembly disapproves, the change is deemed granted.

11 An approved waiver from or modification to a physical  
12 education mandate may remain in effect for a period not to  
13 exceed 2 school years and may be renewed no more than 2 times  
14 upon application by the eligible applicant. An approved waiver  
15 from or modification to a physical education mandate may be  
16 changed within the 2-year period by the board or regional  
17 superintendent of schools, whichever is applicable, following  
18 the procedure set forth in this Section for the initial waiver  
19 or modification request. If neither the State Board of  
20 Education nor the General Assembly disapproves, the change is  
21 deemed granted.

22 (f) (Blank).

23 (Source: P.A. 98-513, eff. 1-1-14; 98-739, eff. 7-16-14;  
24 98-1155, eff. 1-9-15; 99-78, eff. 7-20-15.)

25 (105 ILCS 5/10-22.34c)

1           Sec. 10-22.34c. Third party non-instructional services.

2           (a) A board of education may enter into a contract with a  
3           third party for non-instructional services currently performed  
4           by any employee or bargaining unit member or lay off those  
5           educational support personnel employees upon 90 days written  
6           notice to the affected employees, provided that:

7                   (1) a contract must not be entered into and become  
8                   effective during the term of a collective bargaining  
9                   agreement, as that term is set forth in the agreement,  
10                  covering any employees who perform the non-instructional  
11                  services;

12                   (2) a contract may only take effect upon the expiration  
13                  of an existing collective bargaining agreement;

14                   (3) any third party that submits a bid to perform the  
15                  non-instructional services shall provide the following:

16                           (A) evidence of liability insurance in scope and  
17                           amount equivalent to the liability insurance provided  
18                           by the school board pursuant to Section 10-22.3 of this  
19                           Code;

20                           (B) (blank); ~~a benefits package for the third~~  
21                           ~~party's employees who will perform the~~  
22                           ~~non-instructional services comparable to the benefits~~  
23                           ~~package provided to school board employees who perform~~  
24                           ~~those services;~~

25                           (C) a list of the number of employees who will  
26                           provide the non-instructional services, the job

1 classifications of those employees, and the wages the  
2 third party will pay those employees;

3 (D) a minimum 3-year cost projection, using  
4 generally accepted accounting principles and which the  
5 third party is prohibited from increasing if the bid is  
6 accepted by the school board, for each and every  
7 expenditure category and account for performing the  
8 non-instructional services;

9 (E) composite information about the criminal and  
10 disciplinary records, including alcohol or other  
11 substance abuse, Department of Children and Family  
12 Services complaints and investigations, traffic  
13 violations, and license revocations or any other  
14 licensure problems, of any employees who may perform  
15 the non-instructional services, provided that the  
16 individual names and other identifying information of  
17 employees need not be provided with the submission of  
18 the bid, but must be made available upon request of the  
19 school board; and

20 (F) an affidavit, notarized by the president or  
21 chief executive officer of the third party, that each  
22 of its employees has completed a criminal background  
23 check as required by Section 10-21.9 of this Code  
24 within 3 months prior to submission of the bid,  
25 provided that the results of such background checks  
26 need not be provided with the submission of the bid,

1 but must be made available upon request of the school  
2 board;

3 (4) a contract must not be entered into unless the  
4 school board provides a cost comparison, using generally  
5 accepted accounting principles, of each and every  
6 expenditure category and account that the school board  
7 projects it would incur over the term of the contract if it  
8 continued to perform the non-instructional services using  
9 its own employees with each and every expenditure category  
10 and account that is projected a third party would incur if  
11 a third party performed the non-instructional services;

12 (5) review and consideration of all bids by third  
13 parties to perform the non-instructional services shall  
14 take place in open session of a regularly scheduled school  
15 board meeting, unless the exclusive bargaining  
16 representative of the employees who perform the  
17 non-instructional services, if any such exclusive  
18 bargaining representative exists, agrees in writing that  
19 such review and consideration can take place in open  
20 session at a specially scheduled school board meeting;

21 (6) a minimum of one public hearing, conducted by the  
22 school board prior to a regularly scheduled school board  
23 meeting, to discuss the school board's proposal to contract  
24 with a third party to perform the non-instructional  
25 services must be held before the school board may enter  
26 into such a contract; the school board must provide notice

1 to the public of the date, time, and location of the first  
2 public hearing on or before the initial date that bids to  
3 provide the non-instructional services are solicited or a  
4 minimum of 30 days prior to entering into such a contract,  
5 whichever provides a greater period of notice;

6 (7) a contract shall contain provisions requiring the  
7 contractor to offer available employee positions pursuant  
8 to the contract to qualified school district employees  
9 whose employment is terminated because of the contract; and

10 (8) a contract shall contain provisions requiring the  
11 contractor to comply with a policy of nondiscrimination and  
12 equal employment opportunity for all persons and to take  
13 affirmative steps to provide equal opportunity for all  
14 persons.

15 (b) Notwithstanding subsection (a) of this Section, a board  
16 of education may enter into a contract, of no longer than 3  
17 months in duration, with a third party for non-instructional  
18 services currently performed by an employee or bargaining unit  
19 member for the purpose of augmenting the current workforce in  
20 an emergency situation that threatens the safety or health of  
21 the school district's students or staff, provided that the  
22 school board meets all of its obligations under the Illinois  
23 Educational Labor Relations Act.

24 (c) The changes to this Section made by this amendatory Act  
25 of the 95th General Assembly are not applicable to  
26 non-instructional services of a school district that on the

1 effective date of this amendatory Act of the 95th General  
2 Assembly are performed for the school district by a third  
3 party.

4 (Source: P.A. 95-241, eff. 8-17-07; 96-328, eff. 8-11-09.)

5 (105 ILCS 5/27-6) (from Ch. 122, par. 27-6)

6 Sec. 27-6. Courses in physical education required; special  
7 activities.

8 (a) Pupils enrolled in the public schools and State  
9 universities engaged in preparing teachers shall be required to  
10 engage daily during the school day, except on block scheduled  
11 days for those public schools engaged in block scheduling, in  
12 courses of physical education for such periods as are  
13 compatible with the optimum growth and developmental needs of  
14 individuals at the various age levels except when appropriate  
15 excuses are submitted to the school by a pupil's parent or  
16 guardian or by a person licensed under the Medical Practice Act  
17 of 1987 and except as provided in subsection (b) of this  
18 Section.

19 Special activities in physical education shall be provided  
20 for pupils whose physical or emotional condition, as determined  
21 by a person licensed under the Medical Practice Act of 1987,  
22 prevents their participation in the courses provided for normal  
23 children.

24 (b) A school board is authorized to excuse pupils enrolled  
25 in grades 11 and 12 from engaging in physical education courses

1 if those pupils request to be excused for any of the following  
2 reasons: (1) for ongoing participation in an interscholastic  
3 athletic program; (2) to enroll in academic classes which are  
4 required for admission to an institution of higher learning,  
5 provided that failure to take such classes will result in the  
6 pupil being denied admission to the institution of his or her  
7 choice; or (3) to enroll in academic classes which are required  
8 for graduation from high school, provided that failure to take  
9 such classes will result in the pupil being unable to graduate.  
10 A school board may also excuse pupils in grades 9 through 12  
11 enrolled in a marching band program for credit from engaging in  
12 physical education courses if those pupils request to be  
13 excused for ongoing participation in such marching band  
14 program. In addition, a pupil in any of grades 3 through 12 who  
15 is eligible for special education may be excused if the pupil's  
16 parent or guardian agrees that the pupil must utilize the time  
17 set aside for physical education to receive special education  
18 support and services or, if there is no agreement, the  
19 individualized education program team for the pupil determines  
20 that the pupil must utilize the time set aside for physical  
21 education to receive special education support and services,  
22 which agreement or determination must be made a part of the  
23 individualized education program. However, a pupil requiring  
24 adapted physical education must receive that service in  
25 accordance with the individualized education program developed  
26 for the pupil. If requested, a school board is authorized to



1 excuse a pupil from engaging in a physical education course if  
2 the pupil has an individualized educational program under  
3 Article 14 of this Code, is participating in an adaptive  
4 athletic program outside of the school setting, and documents  
5 such participation as determined by the school board. A school  
6 board may also excuse pupils in grades 9 through 12 enrolled in  
7 a Reserve Officer's Training Corps (ROTC) program sponsored by  
8 the school district from engaging in physical education  
9 courses. School boards which choose to exercise this authority  
10 shall establish a policy to excuse pupils on an individual  
11 basis.

12 (b-5) In addition to the authority to excuse pupils under  
13 subsection (b) of this Section, a school board may adopt a  
14 policy excusing pupils, on an individual basis, from engaging  
15 in physical education courses at any grade level if the pupil  
16 requests to be excused for any of the following reasons:

17 (1) Because he or she is involved in other appropriate  
18 fitness activities in school or out of school. The school  
19 board's policy shall define "appropriate fitness  
20 activities" as activities that, as determined by the school  
21 district, provide a comparable educational and fitness  
22 benefit to students as compared to the physical education  
23 courses.

24 (2) For academic reasons other than those set forth in  
25 subsection (b) of this Section.

26 (3) For any of the reasons set forth in subsection (b)

1 of this Section, but for a different grade level.

2 A public hearing on whether to adopt a policy under this  
3 subsection (b-5) must be held at a regular or special school  
4 board meeting prior to adopting the policy.

5 (c) The provisions of this Section are subject to the  
6 provisions of Section 27-22.05.

7 (Source: P.A. 98-116, eff. 7-29-13.)

8 (105 ILCS 5/27-24.2) (from Ch. 122, par. 27-24.2)

9 Sec. 27-24.2. Safety education; driver education course.  
10 Instruction shall be given in safety education in each of  
11 grades one through 8, equivalent to one class period each week,  
12 and any school district which maintains grades 9 through 12  
13 shall offer a driver education course in any such school which  
14 it operates. Its curriculum shall include content dealing with  
15 Chapters 11, 12, 13, 15, and 16 of the Illinois Vehicle Code,  
16 the rules adopted pursuant to those Chapters insofar as they  
17 pertain to the operation of motor vehicles, and the portions of  
18 the Litter Control Act relating to the operation of motor  
19 vehicles. The course of instruction given in grades 10 through  
20 12 shall include an emphasis on the development of knowledge,  
21 attitudes, habits, and skills necessary for the safe operation  
22 of motor vehicles, including motorcycles insofar as they can be  
23 taught in the classroom, and instruction on distracted driving  
24 as a major traffic safety issue. In addition, the course shall  
25 include instruction on special hazards existing at and required

1 safety and driving precautions that must be observed at  
2 emergency situations, highway construction and maintenance  
3 zones, and railroad crossings and the approaches thereto.  
4 Beginning with the 2017-2018 school year, the course shall also  
5 include instruction concerning law enforcement procedures for  
6 traffic stops, including a demonstration of the proper actions  
7 to be taken during a traffic stop and appropriate interactions  
8 with law enforcement. The course of instruction required of  
9 each eligible student at the high school level shall consist of  
10 a minimum of 30 clock hours of classroom instruction and a  
11 minimum of 6 clock hours of individual behind-the-wheel  
12 instruction in a dual control car on public roadways taught by  
13 a driver education instructor endorsed by the State Board of  
14 Education. Both the classroom instruction part and the practice  
15 driving part of such driver education course shall be open to a  
16 resident or non-resident student attending a non-public school  
17 in the district wherein the course is offered. Each student  
18 attending any public or non-public high school in the district  
19 must receive a passing grade in at least 8 courses during the  
20 previous 2 semesters prior to enrolling in a driver education  
21 course, or the student shall not be permitted to enroll in the  
22 course; provided that the local superintendent of schools (with  
23 respect to a student attending a public high school in the  
24 district) or chief school administrator (with respect to a  
25 student attending a non-public high school in the district) may  
26 waive the requirement if the superintendent or chief school

1 administrator, as the case may be, deems it to be in the best  
2 interest of the student. A student may be allowed to commence  
3 the classroom instruction part of such driver education course  
4 prior to reaching age 15 if such student then will be eligible  
5 to complete the entire course within 12 months after being  
6 allowed to commence such classroom instruction.

7 A school district may offer a driver education course in a  
8 school by contracting with a commercial driver training school  
9 to provide both the classroom instruction part and the practice  
10 driving part or either one without having to request a  
11 modification or waiver of administrative rules of the State  
12 Board of Education if a public hearing on whether to enter into  
13 a contract with a commercial driver training school has been  
14 held at a regular or special school board meeting prior to  
15 entering into such a contract. If a school district chooses to  
16 contract with a commercial driver training school, then the  
17 district must provide evidence to the State Board of Education  
18 that the commercial driver training school with which it will  
19 contract holds a license issued by the Secretary of State under  
20 Article IV of Chapter 6 of the Illinois Vehicle Code and that  
21 each instructor employed by the commercial driver training  
22 school to provide instruction to students served by the school  
23 district holds a valid teaching license issued under the  
24 requirements of this Code and rules of the State Board of  
25 Education. Such evidence must include, but need not be limited  
26 to, a list of each instructor assigned to teach students served

1 by the school district, which list shall include the  
2 instructor's name, personal identification number as required  
3 by the State Board of Education, birth date, and driver's  
4 license number. Once the contract is entered into, the school  
5 district shall notify the State Board of Education of any  
6 changes in the personnel providing instruction within 15  
7 calendar days after an instructor leaves the program or a new  
8 instructor is hired. Such notification shall include the  
9 instructor's name, personal identification number as required  
10 by the State Board of Education, birth date, and driver's  
11 license number. If the school district maintains an Internet  
12 website, then the district shall post a copy of the final  
13 contract between the district and the commercial driver  
14 training school on the district's Internet website. If no  
15 Internet website exists, then the school district shall make  
16 available the contract upon request. A record of all materials  
17 in relation to the contract must be maintained by the school  
18 district and made available to parents and guardians upon  
19 request. The instructor's date of birth and driver's license  
20 number and any other personally identifying information as  
21 deemed by the federal Driver's Privacy Protection Act of 1994  
22 must be redacted from any public materials.

23       Such a course may be commenced immediately after the  
24 completion of a prior course. Teachers of such courses shall  
25 meet the licensure ~~certification~~ requirements of this Code Act  
26 and regulations of the State Board as to qualifications.

1           Subject to rules of the State Board of Education, the  
2 school district may charge a reasonable fee, not to exceed \$50,  
3 to students who participate in the course, unless a student is  
4 unable to pay for such a course, in which event the fee for  
5 such a student must be waived. However, the district may  
6 increase this fee to an amount not to exceed \$250 by school  
7 board resolution following a public hearing on the increase,  
8 which increased fee must be waived for students who participate  
9 in the course and are unable to pay for the course. The total  
10 amount from driver education fees and reimbursement from the  
11 State for driver education must not exceed the total cost of  
12 the driver education program in any year and must be deposited  
13 into the school district's driver education fund as a separate  
14 line item budget entry. All moneys deposited into the school  
15 district's driver education fund must be used solely for the  
16 funding of a high school driver education program approved by  
17 the State Board of Education that uses driver education  
18 instructors endorsed by the State Board of Education.

19           (Source: P.A. 99-642, eff. 7-28-16; 99-720, eff. 1-1-17.)