**Section 252.20 Administration and Procedures**

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 15 and 21 or, if applicable under Section 14-1.02 of the School Code, 22 years of age 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 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 the student's own 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 the student's 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 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 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

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 at 46 Ill. Reg. 6478, effective April 11, 2022)