



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB3098

Introduced 2/19/2016, 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.

LRB099 20154 NHT 44596 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 ~~through~~ 8, equivalent to one class period
12 each week, and any school district which maintains grades 9
13 through 12 shall offer a driver education course in any such
14 school which it operates. Its curriculum shall include content
15 dealing with Chapters 11, 12, 13, 15, and 16 of the Illinois
16 Vehicle Code, the rules adopted pursuant to those Chapters
17 insofar as they pertain to the operation of motor vehicles, and
18 the portions of the Litter Control Act relating to the
19 operation of motor vehicles. The course of instruction given in
20 grades 10 through 12 shall include an emphasis on the
21 development of knowledge, attitudes, habits, and skills
22 necessary for the safe operation of motor vehicles, including
23 motorcycles insofar as they can be taught in the classroom, and
24 instruction on distracted driving as a major traffic safety
25 issue. In addition, the course shall include instruction on

1 special hazards existing at and required safety and driving
2 precautions that must be observed at emergency situations,
3 highway construction and maintenance zones, and railroad
4 crossings and the approaches thereto. The course of instruction
5 required of each eligible student at the high school level
6 shall consist of a minimum of 30 clock hours of classroom
7 instruction and a minimum of 6 clock hours of individual
8 behind-the-wheel instruction in a dual control car on public
9 roadways taught by a driver education instructor endorsed by
10 the State Board of Education. Both the classroom instruction
11 part and the practice driving part of such driver education
12 course shall be open to a resident or non-resident student
13 attending a non-public school in the district wherein the
14 course is offered. Each student attending any public or
15 non-public high school in the district must receive a passing
16 grade in at least 8 courses during the previous 2 semesters
17 prior to enrolling in a driver education course, or the student
18 shall not be permitted to enroll in the course; provided that
19 the local superintendent of schools (with respect to a student
20 attending a public high school in the district) or chief school
21 administrator (with respect to a student attending a non-public
22 high school in the district) may waive the requirement if the
23 superintendent or chief school administrator, as the case may
24 be, deems it to be in the best interest of the student. A
25 student may be allowed to commence the classroom instruction
26 part of such driver education course prior to reaching age 15

1 if such student then will be eligible to complete the entire
2 course within 12 months after being allowed to commence such
3 classroom instruction.

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

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

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

24 Subject to rules of the State Board of Education, the
25 school district may charge a reasonable fee, not to exceed \$50,
26 to students who participate in the course, unless a student is

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

16 (Source: P.A. 96-734, eff. 8-25-09; 97-145, eff. 7-14-11;
17 revised 10-21-15.)