

**Illinois State Board of Education
Division of Funding and Disbursement Services**

**Driver Education Frequently Asked Questions
Updated October, 2011**

The Driver Education Act is delineated in Sections 27-24 through 27-24.8 of the School Code [105 ILCS 5/27-24 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 and other interested parties with the frequently asked questions regarding driver education.

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Are school districts in Illinois required to provide Driver Education?

Yes. Any public school district which maintains grades 9 through 12 must offer a driver education course in any school which it operates. All eligible students in public or nonpublic schools who reside in a school district must be provided an equal opportunity to enroll in driver education. School districts are obligated to offer the driver education course within a “reasonable length of time” after the student’s application for enrollment in the course. 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 student’s application to enroll.

Statutory Citation: 105 ILCS 5/27-24.2

Administrative Rule: 23 Ill. Admin. Code Parts 252.10 and 252.20(a)

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 provide both the classroom and behind-the-wheel portions a minimum of one period during the school day and must offer sufficient periods to accommodate all eligible students requesting the course each semester. In addition, the school district may offer portions of the course before or after school, or weekends.

Administrative Rule: 23 Ill. Admin. Code Part 252.20(a) and (b)

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

Yes. 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 non-public schools in Illinois.

The chief administrator of the non-public 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 non-public 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.

Statutory Citations: 105 ILCS 5/27-24.2 and 27-24.4

Administrative Rule: 23 Ill. Admin. Code Part 252.20(a)

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

Yes. Section 27-24.2 mandates that all public schools must include the content of Chapters 11, 12, 13, 15, and 16 of the Illinois Vehicle Code, 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.

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>.

Statutory Citation: 105 ILCS 5/27-24.2

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

The course of instruction required of each eligible student at the high school level shall consist of a minimum of 30 clock hours of classroom instruction and a minimum of 6 clock hours of behind-the-wheel instruction in a dual control car on public roadways taught by a certified driver education instructor.

Statutory Citation: 105 ILCS 5/27-24.2

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).

Administrative Rule: 23 Ill. Admin. Code Part 252.20(c)(3)

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

No. 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. 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: A 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?

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.

Statutory Citation: 105 ILCS 5/27-24.2

Administrative Rule: 23 Ill. Admin. Code Part 252.20(b)(3)

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, school districts may count passing grades from the last semester of the student’s eighth-grade school year.

Statutory Citation: 105 ILCS 5/27-24.2

Administrative Rule: 23 Ill. Admin. Code Part 252.25(a)(1)

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.

Statutory Citation: 105 ILCS 5/27-24.2

Administrative Rule: 23 Ill. Admin. Code Part 252.25(a)(2)

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

Per an amendment to the 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.

Administrative Rule: 92 Ill. Admin. Code Part 1030.1

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 driver's license.

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. A student less than 18 years of age must complete 50 hours of practice driving, including 10 hours of nighttime driving. This practice time must be with a responsible adult over the age of 21 who has held their driver's license for more than one year. 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.

Statutory Citation: 625 ILCS 5/6-107(b)(3)

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 driver’s license. Please remember that this only indicates if the completion information has been submitted and approved. The student must be 16 years of age and have held his or her instruction 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.

Statutory Citation: 625 ILCS 5/6-107.1(b)

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.

Statutory Citation: 625 ILCS 5/12-610.1(b)

What are the new laws regarding cellular phone usage for 2010?

Public Acts 96-0130 and 96-0131 created Section 12-610.2 of the Vehicle Code and prohibits use of electronic communication devices to compose, send or read a text message while driving. A “communication device” means an electronic device, including but not limited to a wireless telephone personal digital assistant, or a portable or mobile computer while being used for the purpose of composing, reading, or sending an electronic message. An electronic message means a self-contained piece of digital communication that is designed or intended to be transmitted between physical devices. "Electronic message" includes, but is not limited to electronic mail, a text message, an instant message, or a command or request to access an Internet site.

Statutory Citation: 625 ILCS 5/12-610.2

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) through January 31, 2012. Each individual first assigned to teach safety and driver education on or after February 1, 2012 shall be required to hold a certificate valid for the secondary grades and an endorsement received pursuant to 23 Ill. Adm. Code 25.100(n) .
 - 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) [effective through January 31, 2012]

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

Section 25.100(n) [effective February 1, 2012]

An endorsement in safety and driver education shall be issued when the applicant provides evidence of having completed 24 semester hours of college credit in the field, with at least 12 semester hours at the upper-division or graduate level, as defined by the institution offering the coursework, distributed as follows:

- 1) 3 semester hours in injury prevention or safety;
- 2) 12 semester hours in driver education that include:
 - A) driving task analysis (introduction to driver education);
 - B) teaching driver education in the classroom;
 - C) teaching the laboratory portion of the driver education course, including:
 - i) on-street teaching under the supervision of a qualified driver education teacher;
 - ii) the equivalent of at least one semester hour's preparation in and use of driving simulation;
 - iii) the equivalent of at least one semester hour's preparation in and use of multiple-car programs; and
 - D) advanced driver education and emergency evasive driving;
- 3) 3 semester hours in first aid and cardiopulmonary resuscitation; and
- 4) 6 semester hours chosen in any combination from:
 - A) the use of technology in instruction;
 - B) safety issues related to alcohol and other drugs;
 - C) driver education for students with disabilities; and
 - D) any other safety-related area.

Administrative Rule: 23 Ill. Admin. Code Sections 252.40(a) and 25.100(n)

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.

Administrative Rule: 23 Ill. Admin. Code Section 252.40(b)

Can an approved driver education instructor 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.”*

Administrative Rule: 23 Ill. Admin. Code Section 252.40(c)

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

Yes. Per PA 97-0145 effective July 14, 2011, the maximum fee permitted (without an approved waiver) for driver education was raised from \$50 to \$250. The applicable text from Section 27-24.2 of the School Code is provided below.

“Subject to rules of the State Board of Education, the school district may charge a reasonable fee, not to exceed \$50, to students who participate in the course, unless a student is unable to pay for such a course, in which event the fee for such a student must be waived. However, the district may increase this fee to an amount not to exceed \$250 by school board resolution following a public hearing on the increase, which increased fee must be waived for students who participate in the course and are unable to pay for the course.”

Statutory Citation: 105 ILCS 5/27-24.2

Administrative Rule: 23 Ill. Admin. Code Section 252.30(a)(3)

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

No. All driver education fees and State reimbursement for driver education must 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.

Statutory Citation: 105 ILCS 5/27-24.2

Are districts bound by the approved driver education fee if they offer driver education during the summer?

No. 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.

Statutory Citation: 105 ILCS 5/10-22.33A

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 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.