

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER g: SPECIAL COURSES OF STUDY

PART 252
DRIVER EDUCATION

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20 AUTHORITY: Implementing and authorized by Sections 27-24 through 27-24.10 of the Driver
21 Education Act [105 ILCS 5].

22
23 SOURCE: Adopted September 4, 1975; codified at 8 Ill. Reg. 1585; emergency amendment at 9
24 Ill. Reg. 15558, effective October 1, 1985, for a maximum of 150 days; amended at 10 Ill. Reg.
25 12922, effective July 22, 1986; Section 252.50 transferred to 92 Ill. Adm. Code 1060.240
26 (Secretary of State) pursuant to Section 5-80(d) of the Illinois Administrative Procedure Act [5
27 ILCS 100/5-80(d)] and Section 6-411 of the Illinois Driver License Law [625 ILCS 5/6-411] at
28 11 Ill. Reg. 1631; amended at 18 Ill. Reg. 16307, effective October 25, 1994; amended at 22 Ill.
29 Reg. 7577, effective April 17, 1998; amended at 26 Ill. Reg. 10476, effective July 1, 2002;
30 amended at 28 Ill. Reg. 15481, effective November 22, 2004; amended at 29 Ill. Reg. 15936,
31 effective October 3, 2005; amended at 32 Ill. Reg. 10922, effective July 7, 2008; amended at 33
32 Ill. Reg. 15273, effective October 20, 2009; amended at 34 Ill. Reg. 3018, effective February 18,
33 2010; amended at 37 Ill. Reg. 6639, effective May 2, 2013; amended at 39 Ill. Reg. 6705,
34 effective April 27, 2015; amended at 42 Ill. Reg. 8946, effective May 16, 2018; amended at 44
35 Ill. Reg. 9212, effective May 12, 2020; emergency amendment at 45 Ill. Reg. 11397, effective
36 August 26, 2021, for a maximum of 150 days; emergency expired January 22, 2022; amended at
37 46 Ill. Reg. 6478, effective April 11, 2022; amended at 50 Ill. Reg. _____, effective
38 _____.

39
40 **Section 252.10 Definitions**

41
42 "Behind-The-Wheel Instruction" is that part of the driver education course that
43 consists of individual practice driving with a driver education instructor who

44 meets the requirements of Section 252.40 and provides learning experiences for
45 the student as an operator of a dual-control car in traffic on public highways.

46
47 "Classroom Instruction" is that part of the driver education course consisting of
48 learning experiences centered in the classroom. The preferred instruction method
49 is face-to-face interaction in a traditional classroom setting; however, a school
50 district may provide for a distance learning program in accordance with Section
51 252.20(c)(2).

52
53 "Declaration of Intent" is a student's application for enrollment in a driver
54 education course.

55
56 "Distance Learning Program" means a program of study in which all participating
57 teachers and students do not physically meet in the classroom and instead use the
58 Internet, email, or any other method other than the classroom to provide
59 instruction.

60
61 "Driver Education Act" or "Act" means 105 ILCS 5/27-24 through 27-24.10.

62
63 "Driver Education Course", as used in this Part, is any driver education course
64 approved by the State Superintendent as meeting at least the minimum
65 requirements of the Driver Education Act and this Part and consists of all those
66 learning experiences provided by a school or school district for the purpose of
67 helping students learn to use motor vehicles safely and efficiently. Driver
68 education courses must include classroom and behind-the-wheel instruction as a
69 unified course (see Section 252.20(c)(1)).

70
71 "Dual-Control Car" is a motor vehicle that has special safety and instructional
72 equipment in addition to the regular legally prescribed equipment, which shall
73 consist of a second foot brake positioned for use by the instructor, an outside
74 rearview mirror on the right side of the vehicle, and a sign identifying the vehicle
75 as a driver education car (see 625 ILCS 5/6-410).

76
77 "Eligible Student" is a student who meets the conditions of Section 27-24.2 of the
78 Act for enrollment in a driver education course.

79
80 "Enrollment", for purposes of ~~an approved~~ driver education course, begins when
81 an eligible student declares an intent to participate in and is registered in a driver
82 education course. Enrollment continues ~~means the period of time beginning 30~~
83 ~~days prior to the time a student begins classroom instruction~~ through the
84 conclusion of the driver education course.

85
86 "Observation Time" refers to that time during which a student is riding in the back

87 seat of a dual-control car observing instructions of the teacher and procedures and
88 techniques of the driver who is participating in behind-the-wheel instruction.

89
90 "School Code" or "Code" means 105 ILCS 5.

91
92 (Source: Amended at 50 Ill. Reg. _____, effective _____)

93
94 **Section 252.20 Administration and Procedures**

95
96 a) Availability of the Course – Any public school district maintaining grades 9
97 through 12 must provide the driver education course for any legal resident of the
98 district between 15 and 21 or, if applicable under Section 14-1.02 of the School
99 Code, 22 years of age who requests the course, provided the resident is eligible as
100 set forth in Section 27-24.2 of the Code. All eligible students who reside in a
101 school district must be provided an equal opportunity to enroll in driver
102 education. School districts are obligated to make the driver education course
103 available within a reasonable length of time after each individual's declaration of
104 intent is made. A "reasonable length of time" shall be determined based on the
105 student's individual needs and the school district's ability to meet those needs,
106 provided that the course must be offered within 12 months after the declaration of
107 intent.

108
109 1) Public school districts that include high schools must provide the driver
110 education course for all eligible students of the district who attend a
111 nonpublic school that does not offer the course.

112
113 2) Nonpublic schools may offer a driver education course at their own
114 expense.

115
116 3) Public school districts that include high schools must provide the driver
117 education course for all eligible Illinois students, regardless of the district
118 of their residence, who attend a nonpublic school located within that
119 school district's boundaries when application is made by the administrators
120 of the nonpublic school. The application shall constitute a declaration of
121 intent by the affected student or students. *By April 1 the nonpublic school*
122 *shall notify the district offering the course of the names and district*
123 *numbers of the nonresident students desiring to take the course the next*
124 *school year. The district offering the course shall notify the district of*
125 *residence of those students affected by April 15. [105 ILCS 5/27-24.4]*

126
127 4) An eligible student may elect to enroll in a driver education course at a
128 commercial driver training school at the student's own expense.
129

- 130 b) When to Offer the Course – The classroom portion of the course shall be during
131 the school day and may be offered at other times (i.e., before or after school, in
132 the evenings or on weekends). The school district shall determine when to offer
133 the behind-the-wheel portion of the course during the regular school year, which
134 may be during the school day, at times other than during the school day, or
135 through a combination of both options; however, this subsection (b) shall not
136 authorize a school district to offer behind-the-wheel instruction only during the
137 summer. (Also see subsection (c)(2).)
- 138
- 139 1) A student's ability to enroll~~Enrollment~~ in a driver education course must
140 be closed at the inception of the course, except as provided in subsection
141 (b)(2) or (b)(3). Another course may be started when enrollment warrants.
- 142
- 143 2) A student who transfers to a new school after the inception of the driver
144 education course at that school may be allowed to enroll in the course
145 under the following conditions.
- 146
- 147 A) The driver education course in which the student was enrolled at
148 the previous school offered 30 clock hours of classroom instruction
149 and 6 clock hours of behind-the-wheel instruction.
- 150
- 151 B) The length of time the student previously participated in the driver
152 education course (prior to the student's transfer) is sufficient to
153 allow the student to complete the course at the new school within
154 the time during which it is offered.
- 155
- 156 C) The new school has received verification, either by mail or in an
157 electronic format, of the student's previous participation in the
158 driver education course (i.e., length of time in the course, grades
159 received). The verification shall be placed in the student's
160 temporary school record as defined in 23 Ill. Adm. Code 375.10
161 (Definitions).
- 162
- 163 3) A student may be enrolled in a driver education course after the inception
164 of the course on a case-by-case basis, as determined by the school district,
165 if the student is able to complete the course within the time period that the
166 course is offered.
- 167
- 168 43) *A high school student may be allowed to commence the classroom*
169 *instruction part of the driver education course prior to reaching age 15 if*
170 *the student will be eligible to complete the entire course within 12 months*
171 *after being allowed to commence classroom instruction. [105 ILCS 5/27-*
172 *24.2]*

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- 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*

216 *part or either one separately.* [105 ILCS 5/27-24.4] If a school district elects to
217 contract with an SOS approved commercial driver training school, the school
218 district shall submit the Driver Education – Commercial Driver Training School
219 Contract Reporting form to the State Board. (See Appendix A.) Each instructor
220 employed by the commercial driver training school serving public school students
221 under the age of 18 must meet the personnel requirements of Section 252.40.
222

223 1) A public school district may contract for the provision of the behind-the-
224 wheel portion of the course for students who have physical limitations that
225 would require the use of a specially equipped car or for students who
226 require other specialized instruction (e.g., vision or hearing impairments,
227 cognitive disabilities) provided that:

228
229 A) the facility is approved by the Illinois Secretary of State (SOS) as
230 meeting all of the requirements of 625 ILCS 5/Ch. 6, Art. IV and
231 rules promulgated by SOS (92 Ill. Adm. Code 1030 (Issuance of
232 Licenses));

233
234 B) each instructor providing instruction to the public school district's
235 students is certified as a Driver Rehabilitation Specialist by the
236 ADED – the Association for Driver Rehabilitation Specialists (see
237 <http://www.aded.net/>, 200 First Avenue NW, Suite 505, Hickory
238 NC 28601); and

239
240 C) the facility conducts an evaluation of the student's physical and
241 cognitive abilities to determine the individualized course of
242 instruction.
243

244 2) Subject to the limitations set forth in Section 24-24.2 of the Code, a
245 district that provides driver education through a contract with a
246 commercial driver training school shall:

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248 A) post the contract with the commercial driver training school on its
249 website or, if it does not maintain a website, make the contract
250 available upon request;

251
252 B) notify the State Board of Education within 15 calendar days of an
253 instructor leaving the program or a new instructor being assigned.
254 The notice shall include the instructor's name, birth date and
255 driver's license number, and the personal identification number
256 assigned by the State Board;
257

- 258 C) maintain a record of all materials related to the commercial driving
259 school contract, which shall be made available to parents and
260 guardians upon request (see Section 27-24.2 of the Code); and
261
- 262 D) except for a Certified Driver Rehabilitation Specialist, ensure the
263 teacher meets the educator licensure and endorsement
264 requirements of Article 21B of the Code. The teacher shall follow
265 the same evaluation and observation requirements that apply to
266 non-tenured teachers under Article 24A of the Code. The teacher
267 evaluation must be conducted by a school administrator employed
268 by the school district and must be submitted annually to the district
269 superintendent and all school board members for oversight
270 purposes.
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272 (Source: Amended at 50 Ill. Reg. _____, effective _____)