



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB2213

Introduced 2/15/2013, by Sen. John M. Sullivan

SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.25g	from Ch. 122, par. 2-3.25g
105 ILCS 5/27-24	from Ch. 122, par. 27-24
105 ILCS 5/27-24.2	from Ch. 122, par. 27-24.2

Amends the School Code. 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. Provides that if a district chooses to contract with a commercial driver training school, then the district must provide evidence to the State Board of Education that the school holds a license issued by the Secretary of State. Makes technical corrections. Effective immediately.

LRB098 07080 NHT 40457 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, 27-24, 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 certification, teacher tenure and
13 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 On and after the applicable implementation date, eligible
16 applicants may not seek a waiver or seek a modification of a
17 mandate regarding the requirements for (i) student performance
18 data to be a significant factor in teacher or principal
19 evaluations or (ii) for teachers and principals to be rated
20 using the 4 categories of "excellent", "proficient", "needs
21 improvement", or "unsatisfactory". On the applicable
22 implementation date, any previously authorized waiver or
23 modification from such requirements shall terminate.

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

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

26 (c-5) If the applicant is a school district, then the

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

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

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

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

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

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

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

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

23 (f) (Blank).

24 (Source: P.A. 96-861, eff. 1-15-10; 96-1423, eff. 8-3-10;
25 97-1025, eff. 1-1-13.)

1 (105 ILCS 5/27-24) (from Ch. 122, par. 27-24)

2 Sec. 27-24. Short title. Sections 27-24 through 27-24.10
3 ~~27-24.8~~ of this Article are known and may be cited as the
4 Driver Education Act.

5 (Source: P.A. 76-1835.)

6 (105 ILCS 5/27-24.2) (from Ch. 122, par. 27-24.2)

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

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

1 A school district may offer a driver education course in a
2 school by contracting with a commercial driver training school
3 to provide both the classroom instruction part and the practice
4 driving part or either one without having to request a
5 modification or waiver of administrative rules of the State
6 Board of Education. If a school district chooses to contract
7 with a commercial driver training school, then the district
8 must provide evidence to the State Board of Education that the
9 commercial driver training school with which it will contract
10 holds a license issued by the Secretary of State under Article
11 IV of Chapter 6 of the Illinois Vehicle Code.

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

16 Subject to rules of the State Board of Education, the
17 school district may charge a reasonable fee, not to exceed \$50,
18 to students who participate in the course, unless a student is
19 unable to pay for such a course, in which event the fee for
20 such a student must be waived. However, the district may
21 increase this fee to an amount not to exceed \$250 by school
22 board resolution following a public hearing on the increase,
23 which increased fee must be waived for students who participate
24 in the course and are unable to pay for the course. The total
25 amount from driver education fees and reimbursement from the
26 State for driver education must not exceed the total cost of

1 the driver education program in any year and must be deposited
2 into the school district's driver education fund as a separate
3 line item budget entry. All moneys deposited into the school
4 district's driver education fund must be used solely for the
5 funding of a high school driver education program approved by
6 the State Board of Education that uses driver education
7 instructors endorsed by the State Board of Education.

8 (Source: P.A. 96-734, eff. 8-25-09; 97-145, eff. 7-14-11.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.