



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB6141

Introduced 2/11/2016, by Rep. Thomas Morrison

SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.25g	from Ch. 122, par. 2-3.25g
105 ILCS 5/27-24.2	from Ch. 122, par. 27-24.2
105 ILCS 5/27-24.3	from Ch. 122, par. 27-24.3

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. With respect to the requirement that a driver education course consist of at least 6 clock hours of practice driving in a car having dual operating controls in order for a school district to receive reimbursement from the State, provides that the State Board of Education may allow, in lieu of not more than 5 clock hours of practice driving in a dual control car, such practice driving instruction as it determines is the equivalent of such practice driving in a dual control car. Allows school districts to adopt a policy to permit proficiency examinations for the practice driving part of the driver education course at any time after the completion of 3 hours of practice driving under direct individual instruction. Effective immediately.

LRB099 15988 NHT 40305 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, 27-24.2, and 27-24.3 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 5/27-24.2) (from Ch. 122, par. 27-24.2)

1 Sec. 27-24.2. Safety education; driver education course.
2 Instruction shall be given in safety education in each of
3 grades one through ~~though~~ 8, equivalent to one class period
4 each week, and any school district which maintains grades 9
5 through 12 shall offer a driver education course in any such
6 school which it operates. Its curriculum shall include content
7 dealing with Chapters 11, 12, 13, 15, and 16 of the Illinois
8 Vehicle Code, the rules adopted pursuant to those Chapters
9 insofar as they pertain to the operation of motor vehicles, and
10 the portions of the Litter Control Act relating to the
11 operation of motor vehicles. The course of instruction given in
12 grades 10 through 12 shall include an emphasis on the
13 development of knowledge, attitudes, habits, and skills
14 necessary for the safe operation of motor vehicles, including
15 motorcycles insofar as they can be taught in the classroom, and
16 instruction on distracted driving as a major traffic safety
17 issue. In addition, the course shall include instruction on
18 special hazards existing at and required safety and driving
19 precautions that must be observed at emergency situations,
20 highway construction and maintenance zones, and railroad
21 crossings and the approaches thereto. The course of instruction
22 required of each eligible student at the high school level
23 shall consist of a minimum of 30 clock hours of classroom
24 instruction and a minimum of 6 clock hours of individual
25 behind-the-wheel instruction in a dual control car on public
26 roadways taught by a driver education instructor endorsed by

1 the State Board of Education. Both the classroom instruction
2 part and the practice driving part of such driver education
3 course shall be open to a resident or non-resident student
4 attending a non-public school in the district wherein the
5 course is offered. Each student attending any public or
6 non-public high school in the district must receive a passing
7 grade in at least 8 courses during the previous 2 semesters
8 prior to enrolling in a driver education course, or the student
9 shall not be permitted to enroll in the course; provided that
10 the local superintendent of schools (with respect to a student
11 attending a public high school in the district) or chief school
12 administrator (with respect to a student attending a non-public
13 high school in the district) may waive the requirement if the
14 superintendent or chief school administrator, as the case may
15 be, deems it to be in the best interest of the student. A
16 student may be allowed to commence the classroom instruction
17 part of such driver education course prior to reaching age 15
18 if such student then will be eligible to complete the entire
19 course within 12 months after being allowed to commence such
20 classroom instruction.

21 A school district may offer a driver education course in a
22 school by contracting with a commercial driver training school
23 to provide both the classroom instruction part and the practice
24 driving part or either one without having to request a
25 modification or waiver of administrative rules of the State
26 Board of Education. If a school district chooses to contract

1 with a commercial driver training school, then the district
2 must provide evidence to the State Board of Education that the
3 commercial driver training school with which it will contract
4 holds a license issued by the Secretary of State under Article
5 IV of Chapter 6 of the Illinois Vehicle Code.

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

10 Subject to rules of the State Board of Education, the
11 school district may charge a reasonable fee, not to exceed \$50,
12 to students who participate in the course, unless a student is
13 unable to pay for such a course, in which event the fee for
14 such a student must be waived. However, the district may
15 increase this fee to an amount not to exceed \$250 by school
16 board resolution following a public hearing on the increase,
17 which increased fee must be waived for students who participate
18 in the course and are unable to pay for the course. The total
19 amount from driver education fees and reimbursement from the
20 State for driver education must not exceed the total cost of
21 the driver education program in any year and must be deposited
22 into the school district's driver education fund as a separate
23 line item budget entry. All moneys deposited into the school
24 district's driver education fund must be used solely for the
25 funding of a high school driver education program approved by
26 the State Board of Education that uses driver education

1 instructors endorsed by the State Board of Education.
2 (Source: P.A. 96-734, eff. 8-25-09; 97-145, eff. 7-14-11;
3 revised 10-21-15.)

4 (105 ILCS 5/27-24.3) (from Ch. 122, par. 27-24.3)

5 Sec. 27-24.3. Reimbursement. In order for the school
6 district to receive reimbursement from the State as hereinafter
7 provided, the driver education course offered in its schools
8 shall consist of at least 30 clock hours of classroom
9 instruction and, subject to modification as hereinafter
10 allowed, at least 6 clock hours of practice driving in a car
11 having dual operating controls under direct individual
12 instruction. The State Board may allow, in lieu of not more
13 than 5 clock hours of practice driving in a dual control car,
14 such practice driving instruction as it determines is the
15 equivalent of such practice driving in a dual control car.

16 School districts may adopt a policy to permit proficiency
17 examinations for the practice driving part of the driver
18 education course at any time after the completion of 3 hours of
19 practice driving under direct individual instruction.

20 (Source: P.A. 95-310, eff. 7-1-08.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.