**Section 252.40 Driver Education Personnel Requirements**

a) Qualifications of Teachers − All persons who teach a driver education course must meet the applicable standards of this subsection (a).

1) Each individual first assigned to teach safety and driver education in a public school district on or after February 1, 2012 shall be required to hold a professional educator license endorsed for both the secondary grades and safety and driver education pursuant to 23 Ill. Adm. Code 25.100(k).

2) Each individual first assigned to teach safety and driver education in a nonpublic school on or after February 1, 2012 shall meet the course requirements of 23 Ill. Adm. Code 25.100(k).

3) A driver education instructor who teaches in either 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; and

B) hold a valid driver's license in good standing that has been issued by the state in which he or she resides. For the purposes of this subsection (a)(3)(B), a driver's license issued in Illinois 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] or if restrictions have been placed on driving privileges through either a restricted driving permit under Section 6-205(c)(1) or a monitoring device driving permit under Section 6-206.1.

4) Additional requirements will not be retroactive as pertaining to those qualified under standards applicable prior to September 1, 1962, so long as they continue to teach driver education in the same district, except in the event the method of instruction has been changed to include simulation and/or multiple-car laboratory instruction. (See 23 Ill. Adm. Code 1.730(q).) The prescribed additional requirements effective July 1, 1969, must be met.

5) When schools have a department chairman or a person designated to supervise the driver education program, this person must be qualified as described in this Section.

b) Invalid Driver's License − The State Board of Education, using information provided by the Secretary of State, shall on a regular basis provide to school districts and nonpublic schools employing driver education instructors who possess Illinois driver's licenses a list of driver education instructors who are in possession of an invalid driver's license as described in subsection (a)(3)(B). It shall be the responsibility of the school district or nonpublic school employing an instructor who holds an out-of-state license to ensure that that license is valid and in good standing (e.g., has not been revoked, suspended, expired, or cancelled or is restricted by the state issuing the license).

1) After receiving the list, or confirmation that an out-of-state license is invalid, the school district or nonpublic school shall inform each of the instructors in writing of the determination that he or she is in possession of an invalid license and that he or she has no more than five school days to provide evidence to the school district or nonpublic school disputing the determination.

2) If the initial determination is found to be correct (i.e., the instructor's license is not valid), then the driver education instructor shall be removed from the driver education program immediately.

3) A driver education instructor who is removed from his or her teaching position due to an invalid license shall not be allowed to teach a driver education course for three years following the reinstatement of a valid driver's license.

4) For the purposes of this subsection (b), a driver education instructor shall not be subject to the three-year suspension described in subsection (b)(3) if:

A) the invalid license is restored to good standing, and

B) the reason that the license was invalidated is due to a non-serious violation not related to driving ability or performance (e.g., failure to renew a license, failure to pay traffic fines, not possessing a mandatory insurance card).

c) Administrators and teachers of State-approved high school driver education courses shall not acquire an interest in, teach in, or solicit for a commercial driver training school.

(Source: Amended at 42 Ill. Reg. 8946, effective May 16, 2018)