

INSTRUCTIONS: Please use the following as a checklist in assembling your application package. Incomplete applications will not be considered until all required documentation is received. All applicants must hold a public hearing prior to submission of the application.

- A. Public Hearing: Each eligible applicant (see item 2 below) must hold a public hearing, providing for a time to take testimony about the request that is separate from the time when any other business is being conducted or testimony on other matters is being heard. The public hearing may be held during a regular board meeting, except that the hearing for a request seeking to waive or modify the daily physical education requirement must be held on a day other than the day on which a regular board meeting is held. Applicants seeking waivers or modifications of physical education in addition to other waivers or modifications can choose to hold a single hearing on a day other than the day of a regular board meeting or consider all but the physical education request on the day of a regular board meeting, with a separate hearing (not on the day of a regular board meeting) scheduled to consider the physical education request.
- B. Required Notices of Public Hearing: Provide the following notices to inform the public and others of the hearing date. Each must state the time, date, location and general subject matter of the hearing.
- **All applicants:** Publish a notice on the applicant's website at least 14 days in advance of the hearing. Applicants requesting an **increased fee for driver's education (105 ILCS 5/27-24.2)** must also publish the proposed amount of the fee as part of the website notice and as part of the notice placed in a newspaper of general circulation.
 - **School districts:** Publish a notice in a newspaper of general circulation within the applicant's area at least 7 days in advance of the hearing.
 - **Joint agreements, ISCs or regional superintendents:** Publish a notice in a newspaper of general circulation in each school district that is a member of the joint agreement or that is served by the educational service region or intermediate service center, 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.
 - **All applicants:** Provide a written notice to the applicant's exclusive bargaining agent(s) affected by the request at least 7 days in advance of the hearing; this notice must also state that testimony will be taken from staff.
 - **All applicants:** Provide a written advance notice to the applicant's state legislators affected by the request.

Item 1. Indicate the **type of action** sought under this application:

- ISBE approval of waivers or modifications of ISBE rules and of modifications of School Code mandates to allow an applicant to meet the intent of the rule or mandate in a more effective, efficient or economical manner or when necessary to stimulate innovation or to improve student performance; or
- General Assembly approval of waivers of School Code mandates as necessary to stimulate innovation or improve student performance.

Waivers are not permitted from ISBE rules or School Code mandates pertaining to special education, teacher certification, teacher tenure and seniority, or compliance with the No Child Left Behind Act of 2001. Waivers of mandates pertaining to the use of student performance data and performance categories for teacher and principal evaluations are not permitted after the applicable implementation date specified in Section 24A-2.5 of the School Code (105 ILCS 5/2-3.25g; 105 ILCS 5/24A-2.5), or to township treasurers (Sections 5-1 and 5-2.1 of the School Code).

Item 2. **Eligible applicants** are school districts, independent authorities established pursuant to Section 2-3.25f of the School Code, joint agreements made up of school districts, and Regional Superintendents of Schools and Intermediate Service Centers on behalf of schools and programs operated by them.

Item 3. The **exact language of, or citation to,** the rule(s) or mandate(s) involved may be obtained by contacting the Legal Department by mail at 100 North First Street, S-493, Springfield, Illinois, 62777-0001 or by telephone at 217/782-5270.

Item 4. Identify the rationale for the specific waiver and/or modification sought.

(4)(a) For requests to meet the intent of the rule or mandate in a **more effective, efficient, or economical manner**, provide a narrative description which sets forth:

- i) the intent of the rule or mandate to be achieved;
- ii) the manner in which the applicant will meet that intent; and
- iii) how the manner proposed by the applicant will be more effective, efficient or economical.
- iv) In those instances where the applicant proposes a more economical manner, provide a fiscal analysis showing current expenditures related to the request and the projected savings that would result if the request is granted.

(4)(b) Requests necessary for **stimulating innovation or improving student performance** must include the specific plan for improved student performance and school improvement upon which the request is based that describes how the applicant will determine success.

(4)(c) Requests for waivers of the **administrative expenditure limitation** established in Section 17-1.5 of the School Code can be submitted **only** when circumstances for exceeding the cap are beyond the control of the district, and the district has exhausted all available and reasonable remedies to comply with the limitation. ISBE is required to recommend that the General Assembly disapprove any request for a waiver of the administrative expenditure limitation not meeting these requirements

(4)(d) Requests for waivers to contract out portions of driver's education (23 Ill. Adm. Code 252.20(3)) must include the following information:

- Evidence that the commercial driving school (CDS) used by the applicant holds a license issued by the Secretary of State under Article IV of Chapter 6 of the Illinois Vehicle Code;
- Evidence that each CDS instructor providing instruction to the applicant's students holds a valid teaching certificate or educator license, as applicable, issued under the requirements of the School Code. Such evidence must include the instructor's name, personal identification number, birthdate, and driver's license.

Item 5. Describe the testimony provided, including:

- number of people attending the public hearing;
- number speaking in favor of and against the request;
- comments made during the hearing; and
- whether any written comments were provided.

Item 6. Waivers and modifications are limited to five years with the following exceptions: (a) waivers of the administrative expenditure limitation are limited to the year in which emergency relief is needed (i.e., one year only) and (b) requests to waive or modify the daily physical education requirement are limited to two (2) years only, renewable for two, two-year periods only (six years total).

Item 7. Attach copies of the following: (a) **website posting**, which must be dated in order to verify that it was posted at least 14 days in advance of the public hearing; (b) **newspaper notice**; and (c) **written notice to the collective bargaining agent**, each of which must be dated in order to verify that each was provided at least 7 days in advance of the public hearing; and (d) **written advance notice to the state legislators representing the applicant's territory**.

Item 8. Indicate the **date of the public hearing**. Applicants with governing boards must hold a public hearing and provide for a separate time to take testimony about the request. Applicants with governing boards seeking to **waive or modify the daily physical education requirement** must hold a public hearing on a day **other than the day of a regular board meeting**. The superintendent's/executive director's/regional superintendent's signature on this application attests to the applicant's compliance with all hearing and notice requirements.

Submission. Applications must be postmarked not later than 15 calendar days following approval by the local board in the case of districts, joint agreements and ISCs, or by the regional superintendent of schools and be submitted by certified mail, return receipt requested, to:

**Illinois State Board of Education
Rules and Waivers Division, Attn: Winnie Tuthill
100 North First Street, S-493, Springfield, Illinois 62777-0001**

All complete applications for the waiver or modification of ISBE rules or for the modification of School Code mandates shall be deemed approved and effective 46 calendar days after the date of receipt by ISBE unless disapproved in writing. Receipt by ISBE shall be determined by the date of receipt shown on the return receipt form, except that material not properly addressed shall bear the date of receipt when the materials were provided to the Rules and Waivers Division.

Disapproval of an application upon which the ISBE must act shall be sent by certified mail to the applicant no later than 45 calendar days after receipt of the application. Applicants may appeal the ISBE's denial of an application by sending a written appeal to the address above by certified mail within 30 calendar days of receipt of the written denial.

Complete waiver applications and any appeals of ISBE action shall be submitted to the General Assembly for consideration in March and October of each year (for application deadlines, see <http://www.isbe.net/isbewaivers/default.htm>).

ATTACHMENT TO APPLICATION FOR:

**WAIVER OR MODIFICATION OF STATE BOARD RULES
AND/OR SCHOOL CODE MANDATES**

**Geneva Community Unit School District #304
Geneva, Kane County, Illinois**

Item 3.

Original Language:

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. The total amount from driver education fees and reimbursement from the State for driver education must not exceed the total cost of the driver education program in any year and must be deposited into the school district's driver education fund as a separate line item budget entry. All moneys deposited into the school district's driver education fund must be used solely for the funding of a high school driver education program approved by the State Board of Education that uses driver education instructors endorsed by the State Board of Education. (105 ILCS 5/27-24.2)

Corresponding regulation, 23 Ill. Adm. Code 252.30a(3)(4).

Requested Waiver:

Subject to rules and regulations of the State Board of Education, the District may charge a reasonable fee, not to exceed \$450.00, 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 shall be waived. (105 ILCS 5/27-24.2)

Item 4(a).

Geneva Community Unit School District #304 is seeking a waiver of 105 ILCS 5/27-24.2, and corresponding regulations, 23 Ill. Adm. Code 252.30a(3)(4), regarding fees for driver education courses. District 304 requests changing the fee to a reasonable amount, not to exceed \$450.00, rather than not to exceed \$50/\$250.00. Granting this request would fulfill the intent of the mandate but allow the District to operate its driver education program in a more effective, efficient and economical manner. The waiver would facilitate the District's school improvement plans by preserving the ability to offer high quality instruction and improve student performance in driver education.

(i) The intent of the rule or mandate to be achieved.

The Code intends that a quality program of instruction regarding the operation of motor vehicles be made available to students. Specifically, Section 5/27-24.2 provides that "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..." District 304's driver education course is a comprehensive program, two-phase and integrated, that fully satisfies this intent. As required, students receive "... a minimum of 30 clock hours of classroom instruction and a minimum of 6 clock hours of individual behind-the-wheel instruction...taught by a driver education instructor endorsed by the State Board of Education." Course teachers are certified and experienced in driver education. The scheduling of classroom and behind-the-wheel lessons provides timely reinforcement of appropriate driving skills, knowledge, attitudes and habits.

(ii) The manner in which the District will meet that intent.

Granting the waiver will facilitate District 304's school improvement plans and increase student performance through high school curriculum. District 304 will continue to provide high quality driver education course instruction, but, if granted the waiver, will do so in a more fiscally responsible and cost-efficient manner by increasing the course registration fee to a reasonable amount, not to exceed \$450.00. As required by the School Code, students whose families are unable to pay shall have the fee waived by the District.

(iii) How the manner proposed by the District will be more effective, efficient or economical.

The current \$50/\$250.00 fee limitation does not recognize the significantly high cost of providing District 304's high quality driver education program to its students. Based upon the 2012-2013 school year data, the net cost per student for driver education instruction was \$500.00. The escalating cost of gasoline significantly impacts the costs of the program. Driver education has grown into an expensive program, and a waiver would enable the District to be as cost-effective as possible with its limited resources.

The expense of the driver education course reflects the high costs associated with the behind-the-wheel component of the course. The student/teacher ratio for this component is 18:1. Driver education teachers are certified staff and members of the bargaining unit. As such, by contract, their salaries are equivalent to other teachers of similar experience and education, without reference to class size or the District's ability to utilize its teaching staff for different numbers of students.

District 304 believes in the quality and importance of its driver education program. However, without the waiver, the expense of the program would be inordinate as compared to other courses, could prove prohibitive of the same quality of instruction currently provided, and would result in an inequitable use of limited and diminishing District funds.

(iv) A fiscal analysis showing current expenditures related to the request and the projected savings that would result if the request is granted.

The actual per pupil cost to the District, even after State reimbursement, has consistently exceeded \$500.00 for many years. Granting the District the ability to assess reasonable fees, not to exceed \$450.00, instead of the limited \$50/\$250.00, would provide a fee structure equitable to students and taxpayers without causing undue hardships on families with severe economic difficulties. In addition, the safety of students is an ongoing concern. The District's driver education cars need replacement. Without access to additional funds to offset the Driver's Education Program, this purchase may be delayed.