

ATTACHMENT NO. X-B

ATTACHMENT NO. X-B: Approval of Application for Waiver of School Code

Potential motion: Move to approve the Application for Waiver of School Code

Recommended action: Approve the motion.

The intent of this request is obtain a waiver of 23 Ill. Adm. Code 252.20 (e)(1) in order to provide a quality, safe and effective behind-the wheel driver education course for students and any other legal residents of our school district who request the course, and to do this in an economical manner.

It is recommended that the Board of Education approve the attached Application for Waiver of School Code.

RESOLUTION on Application of Waiver and Driver Education Fees

WHEREAS, the Board of Education of North Boone Community Unit School District Number 200, Boone and Winnebago Counties, Illinois wish to continue to offer driver education behind-the-wheel education by an approved business; and

WHEREAS, the Drive-Right School of Driving, Inc. has been approved by the Illinois Secretary of State as meeting all the requirements of Chapter 6, Article IV of the Illinois Vehicle Code; and

WHEREAS, the instructors employed by Drive-Right who provide the behind-the-wheel instruction to students in the district hold current teaching certificates and meet the requirements of 23 Ill.Adm.Code 252.40(a)(3); and

WHEREAS, it is necessary and in the best interest of the District to increase the fee from \$399 to up to but not exceeding \$410 beginning in school year 2017-2018, not using salary or benefits costs in this fee calculation, per student to be charged for behind-the-wheel instruction:

NOW, THEREFORE, It is Hereby Resolved by the Board of Education of Community Unit School District Number 200, Boone and Winnebago Counties, Illinois, to increase the driver Education fee up to but not exceeding \$410, not using salary or benefits costs in this fee calculation, per student for the 2017-2018 school year.

Adopted August 23, 2016.

Matt Ellingson, President, Board of Education

Tom Moon, Secretary, Board of Education

ILLINOIS STATE BOARD OF EDUCATION

Rules and Waivers Division
100 North First Street, S-493
Springfield, Illinois 62777-0001
(217) 782-5270

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

Instructions: This application is to be used for seeking a waiver or modification of State Board of Education rules or of School Code mandates in accordance with Section 2-3.25g of the School Code [105 ILCS 5/2-3.25g]. The completed application must be submitted by certified mail, return receipt requested, to the above address. Please use the instructions on reverse side when completing this application.

Please note that action on incomplete applications will be delayed until all required documentation is received.

1. The application is for: (Check appropriate box(es) below.)

Waiver of School Code Waiver of ISBE Rule Modification of School Code Modification of ISBE Rule

2. APPLICANT NAME North Boone CUSD #200		CONTACT PERSON Kelly Holsker	
NAME OF SUPERINTENDENT/EXECUTIVE DIRECTOR Dr. Michael J. Greenlee		CONTACT TELEPHONE (Include Area Code and Extension) 815-765-3322	
APPLICANT ADDRESS (Street, City, State, Zip Code) 6248 North Boone School Road, Poplar Grove, IL 61065		CONTACT FAX (Include Area Code) 815-765-2053	CONTACT E-MAIL kholsker@nbcusd.org
COUNTY Boone	May we contact your e-mail address? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

3. Provide citation or language of the rule(s) or School Code mandate(s) which are the subject of this application.

If you are requesting a modification, display it here, using strike through or underlining.

23 Ill. Adm. Code 252.20(e)(1)

4. Attach a narrative identifying and justifying the specific request.

- For proposed waivers and modifications of rules or modifications of School Code mandates that are based upon meeting the intent of the rule or mandate in a more effective, efficient or economical manner, a narrative description must provide all of the required information (see Item 4(a) on the reverse side).
- All proposed waivers/modifications requested to stimulate innovation or improve student performance, including all proposed waivers of School Code mandates, shall provide the specific plan for improved student performance and school improvement upon which the request is being based and how the applicant will determine success (see Item 4(b) on the reverse side).
- Applications requesting waivers from Section 17-1.5 of the School Code must include the amount, nature, and reason for the requested relief and all remedies that have been exhausted by the district to comply with the administrative expenditure limitation.

5. **Public Testimony:**

Attach a description of the testimony provided, to include the information enumerated in item 5 on the reverse side.

6. This application is for: Initial Waiver/Modification Renewal of Previously Approved Waiver/Modification
This application requests waiver/modification for 5 years (from 2016-2017 school year through 2020-2021 school year).
(See Item 6 on reverse side for limits on the duration of waivers/modifications.)

7. Attach a copy of each public notice required. Any request not meeting the requirements will be returned as ineligible for consideration.

8. Compliance with Notice and Hearing Requirements

I certify that a hearing concerning this application and any associated plan for improved student performance was held on August 23, 2016 and, for those applicants requesting waivers or modifications of the daily physical education requirement, that the regular board meeting(s) were held on _____ of that month.
(Date) (Date)

I further certify that the applicant has met all the notification and hearing requirements enumerated in items A and B on reverse side and that the board of education/board of directors of the applicant identified above approved this application on August 23, 2016.
(Date)

Date

Signature of Applicant
(i.e. District Superintendent/Executive Director/Regional Superintendent)

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, educator licensure, teacher tenure and seniority, compliance with the No Child Left Behind Act of 2001, or township treasurers (Sections 5-1 and 5-2.1 of the School Code). Waivers of mandates pertaining to the use of student performance data and performance categories for teacher and principal evaluations are not permitted after September 1, 2014.

- 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 educator license 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>).

North Boone Community Unit School District #200
6248 North Boone School Road
Poplar Grove, IL 61065

Application for Waiver of ISBE Rule

SUPPORTIVE NARRATIVE FOR WAIVER:

4. a. The intent of this request is obtain a waiver of 23 Ill. Adm. Code 252.20 (e)(1) in order to provide a quality, safe and effective behind-the wheel driver education course for students and any other legal residents of our school district who request the course, and to do this in an economical manner.

Our course in driver education is a three-part course that fully complies with the intent of 105 ILCS 5/27-24.2 of *The School Code*. Students receive a minimum of 30 clock hours of classroom instruction, six clock hours of individual behind-the-wheel instruction and six clock hours of observation. All courses are taught by certified teachers.

Our capability to offer this course through the use of an approved private driving facility allows our students to utilize other core courses within the school day at a manageable class size. Lack of classroom space has caused class size to increase. It is our intent to continue to employ the services of Drive-Right School of Driving, Inc. who has been approved by the Illinois Secretary of State as meeting all the requirements of Chapter 6, Article IV of the Illinois Vehicle Code (625 ILCS 5/6-401 to 5/6-424 [Ch. 6, Art. IV, Commercial Driver Training Schools]). The Drive-Right instructor for the last two years (Barry Molencupp) who provides instruction to students in District 200 holds a current teaching certificate and meets the requirements of 23 Ill. Adm. Code 252.40(a)(3)(Driver Education Teacher Requirements).