



**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).
- (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**
- (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

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>).

## **APPLICATION FOR WAIVER OF ISBE RULE**

### **#4A Narrative Description**

For proposed waiver and modification of rules mandates that are based upon meeting the intent of the rule or mandate in a more effective, efficient or economical manner.

The Urbana School District # 116 requests renewal of our waiver to charge a fee in excess of \$50 to students who participate in Driver Education Instruction.

The Urbana School District # 116 fully intends to continue the quality Driver Education Program in a fiscally responsible manner. We request the ability to maintain our fee at the current \$200 to help cover costs associated with the program, such as vehicles, fuel, insurance and maintenance. As originally requested, this fee will not exceed \$450 over the period of this waiver. According to the School Code, any student whose family is unable to pay for the course will have the fee waived.