



April 24, 2018

Michael Cook

VIA EMAIL – Mike_cook@ipsd.org

Re: FOIA Request Dated April 23, 2018 and received April 23, 2018

Subject: Requesting a copy of the application that was sent to the ISBE concerning raising the fee for driver education. Also, a copy of any response from ISBE concerning this application.

Dear Mr. Cook:

This letter will serve as Oswego Community Unit School District 308's response to your April 24, 2018 request under the Freedom of Information Act (5 ILCS 140/1 et seq.), in which you asked for the above referenced information. Attached are the records responsive for your request.

To promote district transparency and assist others who may have a similar question, this responsive document will be posted online on the district's website. To access it, go to www.sd308.org and select *Our District > Freedom of Information Act Request > FOIA Request Responses*, then select *FOIA ID #18-31*.

Please let me know if you have additional questions. Thank you.

Carrie Szambelan

Carrie Szambelan
Freedom of Information Officer



Illinois State Board of Education

100 North First Street, S-493
Springfield, Illinois 62777-0001

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

Regulatory Support Division

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 the 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 Oswego Community Unit School District No. 308	CONTACT PERSON Dr. Lisa L. Smith	
NAME OF SUPERINTENDENT/EXECUTIVE DIRECTOR Dr. John Sparlin	CONTACT TELEPHONE (Include Area Code and Extension) 630-636-3080	
APPLICANT ADDRESS (Street, City, State, Zip Code) 4175 Route 71, Oswego, IL 60543	CONTACT FAX (Include Area Code) 630-636-3688	CONTACT E-MAIL lsmith@sd308.org
COUNTY Kendall	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.

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 \$400 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.
(Source: 105 ILCS 5/27-24.2 Safety Education, Drivers Education Course)

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

- For proposed waivers and modifications of rules or of the School Code 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 2018-2019 school year through 2022-2023 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
January 8, 2018
(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 January 8, 2018.
(Date)

January 8, 2018

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.
- ☐ 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 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.

Waivers are not permitted from ISBE rules or School Code mandates pertaining to special education, educator licensure, teacher tenure and seniority, compliance with the Every Student Succeeds Act, 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 office of Regulatory Support 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

☐ **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 exception of waivers of the administrative expenditure limitation which are limited to the year in which emergency relief is needed (i.e., one year only).**

☐ **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. 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
Division of Regulatory Support, Attn: Waiver Coordinator
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>).

**Waiver Request
105 ILCS-5/27-24 Driver's Education Act**

4. Narrative Identifying and Justifying the Request

4(a) Request to meet the intent of the rule or mandate in a more effective, efficient or economical manner:

The intent of the rule is to make a quality driver education program accessible to all students at a reasonable cost. The district, in attempting to meet the demand for service, provides driver education programs throughout the school year as required. In addition, the district provides driver's education services during the summer term.

This is a comprehensive program that meets the stringent demands of the School Code. It is a one-semester course taught by appropriately certified teachers. The course integrates a minimum of 30 hours of classroom instruction, six (6) hours of behind-the-wheel and six (6) hours of observation. We believe the program is superior to those privately offered at a cost of \$505 (Excel, Naperville – 30 hours classroom, six (6) hours behind-the-wheel, six (6) hours observation).

The waiver request allows us to continue that level of service and meet the demand of our student population in a more cost efficient manner and with the level of service necessary to maintain a high quality program.

Based on FY16-17 Driver's Education (865 students):

Total Expenses Paid:.....	\$ 564,737.61
Revenue at \$250 /student	\$ 188,253.00
State reimbursement	<u>\$ 201,165.64</u>
	\$ 389,418.64
Net Surplus/(Deficit)	(\$ 175,318.97)

The District will continue to provide the class without charge to those who qualify for Free and Reduced Lunch, and special circumstances may also warrant additional consideration for some students to waive the fee per school board policy.

4(b) Requested to improve student performance and school improvement:

The inclusion of the waiver will allow the district to continue to provide a quality academic program as well as the current level of service for this program. Without the waiver, the district would have to divert funding from other academic programs to Driver's Education.



Illinois State Board of Education

100 North First Street • Springfield, Illinois 62777-0001
www.isbe.net

James T. Meeks
Chairman

Tony Smith, Ph.D.
State Superintendent of Education

March 17, 2018

Oswego Community Unit School District No. 308
Attn: Dr. John Sparlin
4175 Route 71
Oswego IL 60543

Re: Waiver Request WM100-6481-Driver Education

Dear Dr. Sparlin:

Please be advised, pursuant to Section 2-3.25g of School Code, the following statutory waiver is approved. This waiver is included the 2018 Spring Waiver Report.

Entity:	Oswego Community Unit School District No. 308
Request Number:	WM100-6481
Validity Period:	5 years (2018-19 through 2022-23)
New or Renewal:	New
School Code Citation	105 ILCS 5/27-24.2
Topic:	Driver Education: Fee Limits

The approval is subject to the terms expressed in the application. If you have any questions regarding this decision or your waiver application, please contact Lindsay M. Bentivegna, Rules and Waiver Coordinator, at 217-782-5270 or via email at lbentive@isbe.net.

Sincerely,

Lindsay M. Bentivegna
Rules and Waiver Coordinator
Division of Regulatory Support and Wellness