

Hearing Agenda

Date: Thursday, December 15, 2022

Meeting: Waiver Hearing

Time: 7:00 PM

Location: District Office

650 Dr. John Burkey Drive

Algonquin, IL 60102

Mission Statement: Our learning community will inspire, challenge and empower all students always.

Board of Education Members: President, Mr. Anthony Quagliano; Vice President, Mr. Kevin Gentry; Secretary, Mr. Paul Troy; Mr. William Geheren; Mrs. Melissa Maiorino; Mr. Sean Cratty; Mr. Jonathan Dailey.

Agenda

All times are approximate. D=Discussion, R=Report, A=Action

1. Call to Order (Mr. Quagliano)

Call to Order the Waiver Hearing for December 15, 2022 at 7:00 p.m.

A quorum must be met.

Roll Call: Ayes /Absent /Motion _____

2. Testimony for Waiver of School Code - Statement of Affairs (A) (Mr. Altmayer)

Mr. Altmayer will give testimony for the Waiver or Modification of School

Code 105ILCS 5/10-17... *Statement of Affairs* that requires a waiver of the District. Seeking the waiver for the 2023/2027 school year to better utilize funds for instructional purposes, leading to improved student performance. Administration and staff testimony will be given.

3. Public Comment

As per Policy 2:230, public comment can be made during this portion of the meeting. The members of the public and district employees may comment on or ask questions of the Board, subject to reasonable constraints.

4. Adjournment (A) (Mr. Quagliano)

Motion to adjourn the Waiver Hearing at ___ p.m.

Voice Call: Ayes / Nays / Motion _____

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Huntley Community School District 158

650 Dr. John Burkey Drive
Algonquin, Illinois 60102
(847) 659-6158 • www.district158.org

To: Board of Education and Administration

From: Mark Altmayer, Chief Financial Officer

Date: December 15, 2022

Subject: **Waiver Hearing Request – Statement of Affairs, Section 105 ILCS 5/10-17**
Board of Education Meeting, December 15, 2022
Finance Committee

Each year, Section 105 ILCS 5/10-17 of the school code requires “...a statement of the affairs (for the prior year) of the District” shall be published in the newspaper prior to December 1st. The cost of publishing the Statement of Affairs approximates \$2-3k. Over the last 8 years, the District has applied for and received an annual waiver for this requirement. The last waiver was for the fiscal years 2019-2022. As such, moving forward, a waiver for FY23- FY27 is being requested in an effort to save the District the cost associated with this publishing. This year, the District is requesting a waiver for the next five fiscal years. The Statement of Affairs will be published on the District’s website prior to December 1st.

RECOMMENDATION

Administration requests that the Finance Committee recommend the Board of Education approve the waiver hearing be held on December 15, 2022.



Illinois State Board of Education

100 North First Street, S-404
Springfield, Illinois 62777-0001

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

LEGISLATIVE AFFAIRS DEPARTMENT

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 Huntley Community School District 158	CONTACT PERSON Mark Altmayer, CFO	
NAME OF SUPERINTENDENT/EXECUTIVE DIRECTOR Dr. Scott Rowe	CONTACT TELEPHONE (Include Area Code and Extension) 847 659-6111	
APPLICANT ADDRESS (Street, City, State, Zip Code) 650 Dr. John Burkey Dr, Algonquin, IL 60102	CONTACT FAX (Include Area Code) 847 659-6120	CONTACT E-MAIL maltmayer@district158.org
COUNTY McHenry	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.

Section 105 ILCS 5/10-17 of the School Code requires that a statement of the affairs of the District shall be published in the newspaper prior to December 1, and a certified copy of the statement filed with the Education Service Region be filed no later than December 15 of each year.

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 2023 school year through 2027 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 12/15/22
(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 12/15/22
(Date)

12/15/22

Date

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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 Legislative Affairs Department by mail at 100 North First Street, S-404, Springfield, Illinois, 62777-0001 or by telephone at (217) 782-6510.

- 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
Legislative Affairs Department
Attn: Waiver Coordinator
100 North 1st Street, S-404
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 Legislative Affairs Department.

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 <https://www.isbe.net/Pages/waivers.aspx>).

HUNTLEY COMMUNITY SCHOOL DISTRICT 158
McHenry and Kane Counties, Illinois
Attachment “A”

**Application for Waiver or Modification of State Board
Rules and/or School Code Mandate**

Section 105 ILCS 5/10-17 of the School Code requires that “...a statement of the affairs of the District” shall be published in the newspaper prior to December 1, and a certified copy of the statement filed with the Education Service Region be filed no later than December 15 of each year.

4. Attach narrative description that supports the reason for the request.

For proposed waivers and modification 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.

- a. By law, each school district is compelled to submit to an annual independent audit (Section 105 ILCS 5/3-6..3-7) as regulated by the Illinois Public Accounting Act (225 ILCS 405/0.01 et seq). Any of the information contained within the “Statement of Affairs” and/or the annual financial audit is available in other publications, included in other formats, or available through the Freedom of Information Act (Section 5 ILCS 140). The same information is also included in parts of the comprehensive annual financial report, in the school report card and in the annual audit report of the finance records.

A copy of the audit is provided to the regional superintendent on or by October 15 of each year and the Annual Financial Report (ISBE 50-35) is prepared as a result of the audit and filed with the regional superintendent and the Illinois State Board of Education. The Illinois State Board of Education, to comply with the statute, publishes a notice that the annual audit has been performed. In Huntley Community School District 158, the independent auditor submits the report to the finance committee and subsequently reports to the Board of Education which are both governed by the Open Meetings Act (Section 5 ILCS 120).

With the current state of the economy, coupled by the State’s reduced funding, this waiver would generate savings for the District. The costs associated with this requirement include the staff time to accumulate and prepare the information as well as the costs for the publication in the newspaper (approximately \$4,000.00). The Board of Education is requesting that a waiver be granted on preparation of this report and the associated costs of publication in the local newspaper. The costs for publication will continue to increase as the District increases in size.

The District will make this report available in a more convenient format, with copies available in all Huntley Community School District 158 schools, as well as being published on the District’s website. The public will become aware of the

HUNTLEY COMMUNITY SCHOOL DISTRICT 158
McHenry and Kane Counties, Illinois
Attachment “A”

availability of this report through the local media as well as the District’s community newsletter.

All proposed waivers/modifications requested to stimulate innovation or improvement 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 application will determine success.

- b. The money saved, approximately \$4,000.00, will be better utilized for instructional purposes leading to improved student performance. The cost savings associated with this waiver can be used to lower class size, purchase textbooks and related materials as well as meet the districts overall budgetary requirements, all of which help the student. Improved student performance will be evident with the increase of success on assessments done throughout the year.