TITLE 23: EDUCATION AND CULTURAL RESOURCES
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CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

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SUBPART A: SCHOOL RECOGNITION REQUIREMENTS

Section 1.100 Waiver and Modification of State Board Rules and School Code Mandates

a) As authorized in Section 2-3.25g of the School Code [105 ILCS 5/2-3.25g], a school district or independent authority established pursuant to Section 2-3.25f of the School Code [105 ILCS 5/2-3.25f] or a Regional Superintendent of Schools applying on behalf of a school established pursuant to Article 13A of the School Code [105 ILCS 5/Art. 13A] may petition for:

1) State Board approval of waivers or modifications of State Board of Education rules and of modifications of School Code mandates to allow a district 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; and/or

2) General Assembly approval of waivers of School Code mandates as necessary to stimulate innovation or improve student performance.

b) "The School Code" comprises only those statutes compiled at 105 ILCS 5 [105 ILCS 5/1-1]. Waivers from State Board rules or School Code mandates pertaining to special education, teacher certification, or teacher tenure and seniority are not permitted (Section 2-3.25g of the School Code). Waivers of mandates contained in Section 5-1 of the School Code [105 ILCS 5/5-1] also shall not be requested.

c) Each application for a waiver or modification shall provide the following, on a form supplied by the State Board of Education.
1) Identification of the rule(s) or mandate(s) involved, either by quoting the exact language of or by providing a citation to the rule(s) or mandate(s) at issue. Districts unable to determine the exact language or citation may obtain a copy of, or citation to, the rule(s) or mandate(s) involved by contacting the State Board of Education Legal Department by mail at 100 North First Street, Springfield, Illinois, 62777-0001, or by telephone at 217-782-5270, or by Internet mail to isbelaw@spr5.isbe.state.il.us.

2) Identification as to the specific waiver(s) and/or modification(s) sought. For modifications, the specific modified wording of the rule(s) or mandate(s) must be stated.

3) Identification as to whether the request is for an initial waiver or modification or for the renewal of a previously approved request.

4) For requests based upon meeting the intent of the rule or mandate in a more effective, efficient, or economical manner, a narrative description which sets forth:

A) the intent of the rule or mandate to be achieved,

B) the manner in which the district will meet that intent,

C) how the manner proposed by the district will be more effective, efficient or economical, and

D) if the district proposes a more economical manner, a fiscal analysis showing current expenditures related to the request and the projected savings that would result from approval of the request.
5) If the request is necessary for stimulating innovation or improving student performance, the request must include the specific plan for improved student performance and school improvement upon which the request is based. This plan must include a description of how the district will determine success in the stimulation of innovation or the improvement of student performance.

6) If the request is for a waiver of the administration expenditure limitation established by Section 17-1.5 of the School Code [105 ILCS 5/17-1.5], the request must include the amount, nature, and reason for the requested relief and all remedies that have been exhausted to comply with the administration expenditure limitation and shall otherwise comply with Section 17-1.5(d) of the School Code.

7) The time period for which the waiver or modification is sought. Pursuant to Section 2-3.25g of the School Code, such time period may not exceed five years, except for requests made pursuant to subsection (c)(6) of this Section, which may not exceed one year (Section 17-1.5(d) of the School Code).

8) A description of the public hearing held to take testimony about the request from educators, parents and students, which shall include the number and affiliation of persons and organizations giving testimony and the general nature of the testimony provided.

9) An assurance stating the date(s) of the public hearing(s) on the application and, if applicable, specific plan for improved student performance and school improvement, held as prescribed in Section 2-3.25g of the School Code, and stating the date the application (and, if applicable, the
d) Each applicant must attach to the application a copy of the notice published in a newspaper of general circulation and a copy of the written notification provided to the applicant's collective bargaining agent, each of which must comply with the requirements of Section 2-3.25g of the School Code.

e) Applications must be sent by certified mail, return receipt requested, and addressed as specified on the application form.

f) Applications must be postmarked not later than 15 calendar days following local board of education approval. Applications addressed other than as specified on the application form shall not be processed.

g) Applications for the waiver or modification of State Board rules or for the modification of School Code mandates shall be deemed approved and effective 46 calendar days after the date of receipt by the State Board of Education unless disapproved in writing. Receipt by the State Board shall be determined by the date of receipt shown on the return receipt form, except in the case of an incomplete application.

1) A district submitting an incomplete application shall be contacted by staff of the State Board regarding the need for additional information.

2) The 45-day response time referred to in this subsection (f) shall not commence until the district submits the additional material requested by the State Board, which shall be sent by certified mail, return receipt requested.

3) Incomplete requests will not be considered.

h) The State Board may disapprove a request for the
waiver or modification of State Board rules or for the modification of School Code mandates if the request:

1) is not based upon sound educational practices,

2) endangers the health or safety of students or staff,

3) compromises equal opportunities for learning, or

4) does not address the intent of the rule or mandate in a more effective, efficient or economical manner or does not have improved student performance as a primary goal.

Disapproval of an application for a waiver or modification of a State Board rule or for a modification of a School Code mandate shall be sent by certified mail to the applicant no later than 45 calendar days after receipt of the application by the State Board. An applicant wishing to appeal the denial of a request may do so within 30 calendar days after receipt of the denial letter by sending a written appeal by certified mail to the Illinois State Board of Education, Quality Review and School Accreditation Research Division, 100 North First Street, S-284, Springfield, Illinois 62777-0001. The written appeal shall include the date the local school board approved the original request, the citation of the rule or School Code section involved, and a brief description of the issue. Appeals of denials shall be submitted to the General Assembly in the semiannual report required under Section 2-3.25g of the School Code.

Applications for General Assembly approval of waivers of School Code mandates will be reviewed for completeness. Each incomplete application shall be returned to the applicant with an explanation as to the deficiencies. Complete applications shall be submitted to the General Assembly in the semiannual report required under Section 2-3.25g of the School
Code. The State Board of Education shall periodically notify school districts of the date by which applications must be postmarked in order to be processed for inclusion in the next report to the General Assembly.

k) The State Board of Education shall notify Regional Superintendents of Schools of the disposition of requests for waivers or modifications submitted by school districts located within their regions.

(Source: Amended at 25 Ill. Reg. _____, effective ___________)}