

ILLINOIS STATE BOARD OF EDUCATION

Rules and Waivers Unit
100 North First Street, S-493
Springfield, Illinois 62777-0001
Phone 217/782-5270

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

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'S NAME AND NUMBER
APPLICANT'S ADDRESS
SUPERINTENDENT/EXECUTIVE DIRECTOR
COUNTY
CONTACT PERSON
CONTACT PERSON'S TELEPHONE NUMBER/EXTENSION
CONTACT FAX NUMBER
E-MAIL ADDRESS OF CONTACT PERSON
Can we contact your e-mail address?
Yes 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.

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

a. 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).

b. 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).

c. 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 \_\_\_ years (from \_\_\_ school year through \_\_\_ 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 \_\_\_ 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.

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 \_\_\_.

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.
- **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* (Section 2-3.25g of the School Code), or to township treasurers (Section 5-1 of the School Code).

**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 (i.e., special or vocational education cooperatives), Regional Superintendents of Schools on behalf of schools and programs operated by them, or Intermediate Service Centers on behalf of alternative schools established pursuant to Article 13A of the School Code.

**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.

**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) newspaper notice and (b) 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 **(c) 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:

Rules and Waivers Unit S-493  
**Attn:** Winnie Tuthill  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777-0001

Applications addressed to other units or offices of ISBE shall not be processed.

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.

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>).