



# 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

CONTACT PERSON

NAME OF SUPERINTENDENT/EXECUTIVE DIRECTOR

CONTACT TELEPHONE (Include Area Code and Extension)

APPLICANT ADDRESS (Street, City, State, Zip Code)

CONTACT FAX (Include Area Code)

CONTACT E-MAIL

COUNTY

May 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 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).
- 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 \_\_\_\_\_.

(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 \_\_\_\_\_.

(Date)

\_\_\_\_\_  
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 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>).