


## **MEMORANDUM**

**TO:** The Honorable JB Pritzker, Governor  
The Honorable Emanuel “Chris” Welch, Speaker of the House  
The Honorable Tony McCombie, House Minority Leader  
The Honorable Don Harmon, Senate President  
The Honorable John Curran, Senate Minority Leader

**FROM:** Dr. Tony Sanders   
State Superintendent of Education

**DATE:** September 25, 2024

**SUBJECT:** Fall 2024 Waiver Report | Requests to Waive School Code Mandates

As required by Section 2-3.25g of the School Code [105 ILCS 5], the following report provides summaries of requests for waivers of School Code mandates being transmitted to the Illinois General Assembly for its consideration. The report concludes with a database listing all the requests received, organized by Senate and House districts, including those requests for waivers and modifications acted on by the state superintendent of education in accordance with Section 1A-4 of the School Code and applications that have been returned to school districts or other eligible applicants.

Pursuant to Section 2-3.25g (d) of the School Code: The report shall be reviewed by a panel of four members consisting of:

- (1) The Speaker of the House of Representatives,
- (2) The Minority Leader of the House of Representatives,
- (3) The President of the Senate, and
- (4) The Minority Leader of the Senate.

The State Board of Education may provide the panel recommendations on waiver requests.

The members of the panel shall review the report submitted by the State Board of Education and submit to the State Board of Education any notice of further consideration to any waiver request within 14 days after the member receives the report. If three or more of the panel members submit a notice of further consideration to any waiver request contained within the report, the State Board of Education shall submit the waiver request to the

General Assembly for consideration. If fewer than three panel members submit a notice of further consideration to a waiver request, the waiver may be approved, denied, or modified by the State Board. If the State Board does not act on a waiver request within 10 days, then the waiver request is approved. If the waiver request is denied by the State Board, it shall submit the waiver request to the General Assembly for consideration.

“The General Assembly may disapprove any waiver request submitted to the General Assembly pursuant to this subsection (d) in whole or in part within 60 calendar days after each house of the General Assembly next convenes after the waiver request is submitted by adoption of a resolution by a record vote of the majority of members elected in each house. If the General Assembly fails to disapprove any waiver request or appealed request within such 60-day period, the waiver or modification shall be deemed granted. Any resolution adopted by the General Assembly disapproving a report of the State Board in whole or in part shall be binding on the State Board.”

-- Section 2-3.25g(d) of the School Code

Memoranda detailing the following shall be submitted to the Illinois State Board of Education by each panel member to effectuate the law:

- (1) Notice of specific waiver requests noticed for further consideration by the General Assembly; and
- (2) A statement indicating that all waiver requests included in the report, except for those listed above in (1), are returned to the State Board of Education for final action.

If you have any questions or comments, you may contact Dana Stoerger, executive director of Legislative Affairs, at 217-782-6510.

cc: Secretary of the Senate  
Clerk of the House  
Legislative Research Unit  
State Government Report Center

## **Executive Summary**

The following report outlines waivers of School Code mandates that school districts, Regional Offices of Education, independent authorities, or special education or area vocational centers have requested since the last report, which was transmitted in February 2024. Pursuant to Section 2-3.25g of the School Code, these requests must be sent to the General Assembly before October 1, 2024.

Section I summarizes the 18 requests received for waivers of School Code mandates pursuant to Section 2-3.25g for consideration by the General Assembly. They are presented numerically by legislative districts. Seven requests, the largest number of applications received, seek waivers for administrative costs cap limitation. There are two requests for drivers education, one request for non-resident tuition, and four requests for physical education; two waiver requests related to statement of affairs; one waiver request related to the school building code; and one waiver related to alternative programs.

This document contains an additional section beyond what is required under Section 2-3.25g of the School Code. Section II is a database with a list of the modifications or waivers of State Board of Education rules and modifications of School Code mandates upon which the state superintendent of education has acted in accordance with Section 1A-4 of the School Code. The database also includes a list of the requests that have been returned to or withdrawn by the petitioning entities. Finally, the database includes the 46 waiver requests and is organized by Senate and House districts.

Complete copies of the waiver requests for the General Assembly's consideration have been made available to legislative staff.

This report is the 59<sup>th</sup> report submitted pursuant to Section 2-3.25g of the School Code, which requires that State Board of Education staff compile and submit requests for waivers of School Code mandates to the General Assembly before March 1 and October 1 of each year.

**Summary of Applications for Waivers and Modifications**  
*Volume 59 – Fall 2024*

<b><u>Topic</u></b>	<b>Approved By ISBE</b>	<b>Denied by ISBE</b>	<b>Transmitted To GA</b>	<b>Withdrawn or Not Needed</b>	<b>Ineligible</b>
Administrative Cost Limitation			7	3	1
Alternative Program			1		
Driver Education			2	2	3
Non-resident Tuition			1	1	
Physical Education			4		
School Building Code		1	1		
School Improvement	15			1	1
Statement of Affairs			2		
Petition Summary	15	1	18	7	5
Total number of Applications:	<b>46</b>				

**Section I**  
**Applications Transmitted to the General Assembly**

**Administrative Costs Cap Limitation**

*Bellwood School District 88 – Cook (SD4/HD7) – Expiration 2023-24 school year / W-100-7376 – Waiver of School Code (Section 17-1.5) requests a waiver of the fiscal year 2023 Limitation of Administrative Costs. The district’s FY 2024 budgeted administrative costs exceed the FY 2023 actual administrative costs by 14%.*

*ISBE Narrative: Bellwood SD 88 requests a waiver of the FY 2024 Limitation of Administrative Costs. The district’s FY 2024 budgeted administrative costs exceed the FY 2023 actual administrative costs by 14%.*

*For the 2023-24 school year, the district has added a new assistant director of operations and planning position. This position was created as part of a transitional restructuring to streamline inefficient processes through assessment and identification of long-term project planning in a proactive manner to minimize unexpected costs.*

*The additional cost for this position results in \$118,000 additional salary and benefits budgeted for Executive Administration Services expenditures in FY 2024. The assistant director of operations and planning costs caused the district to exceed the statutory allowable 5% increase. Without these additional costs, Bellwood SD 88 would have been in compliance for the FY 2024 Limitation of Administrative Costs.*

*After reviewing the documentation provided by the district on the reasons for exceeding the limitation, the costs, and the justifications, School Business Services does not have any objection to the request from Bellwood SD 88 to waive the FY 2024 Limitation of Administrative Costs.*

	FY 2024 BUDGET	FY 2023 ACTUAL	DIFFERENCE	PERCENT INCREASE
2320: Executive Administration Services	\$622,025	\$495,897		
2330: Special Area Administration Services	\$247,481	\$254,992		
2490: Other Support Services - School Administration	\$84,156	\$52,082		
2510: Direction of Business Support Services	\$502,982	\$471,314		
<b>TOTALS</b>	<b>\$1,456,644</b>	<b>\$1,274,285</b>	<b>\$182,359</b>	<b>14.31%</b>
Less salary/benefits for Assistant Director of Operations and Planning	(\$118,000)		(\$118,000)	
<b>ADJUSTED TOTALS</b>	<b>\$1,338,644</b>	<b>1,274,285</b>	<b>\$64,359</b>	<b>5.05%</b>

Avoca School District 37 – Cook (SD9/HD18) – **Expiration 2023-24 school year / W-100-7358 – Waiver of School Code** (Section 17-1.5) requests a waiver of the FY 2023 Limitation of Administrative Costs. The district’s FY 2024 budgeted administrative costs exceed the FY 2023 actual administrative costs by 40%.

*ISBE Narrative: Avoca SD 37 requests a waiver of the FY 2024 Limitation of Administrative Costs. The district’s FY 2024 budgeted administrative costs exceed the FY 2023 actual administrative costs by 40%.*

*For the 2023-2024 school year, the district created the position of superintendent elect. The position was established to aid with the transition of the current superintendent’s retirement in June 2024. The one-year additional cost for this position results in \$285,00 additional budgeted administrative expenditures in FY 2024.*

*The hiring of the superintendent-elect caused the district to exceed the statutory allowable 5% increase. Without these additional costs, Avoca SD 37 would have been in compliance for the FY 2024 Limitation of Administrative Costs.*

*After reviewing the documentation provided by the district on the reasons for exceeding the limitation, the costs, and the justifications, School Business Services does not have any objection to the request from Avoca SD 37 to waive the FY 2024 Limitation of Administrative Costs.*

	FY 2024 BUDGET	FY 2023 ACTUAL	DIFFERENCE	PERCENT INCREASE
Function 2320: Executive Administration Services	\$712,328	\$423,581	\$288,747	
Function 2510: Direction of Business Support Services	\$238,042	\$253,470	(\$15,428)	
<b>TOTALS</b>	<b>\$950,370</b>	<b>\$677,051</b>	<b>\$273,319</b>	<b>40%</b>
Less salary/benefits increase for superintendent elect	(\$285,000)		(\$285,000)	
<b>ADJUSTED TOTALS</b>	<b>\$665,370</b>	<b>\$134,094</b>	<b>(\$11,681)</b>	<b>-2%</b>

Fremont SD 79 – Lake (SD26/HD52) – **Expiration 2023-24 school year / W-100-7379 – Waiver of School Code** (Section 17-1.5) requests a waiver of the FY 2024 Limitation of Administrative Costs. The district’s FY 2024 budgeted administrative costs exceed the FY 2023 actual administrative costs by 8%.

*ISBE Narrative: Fremont SD 79 requests a waiver of the FY 2024 Limitation of Administrative Costs. The district’s FY 2024 budgeted administrative costs exceed the FY 2023 actual administrative costs by 8%.*

*In July 2023, the district’s accounts payable staff member, a part-time position, was converted into accounting coordinator, a full-time equivalent (FTE) position. The result of this change added additional responsibilities, including monthly financial statements for the school board, ISBE reporting, payroll support, and managing the annual audit. Due to the added responsibilities, the*

pay and benefits package was increased \$80,146 for FY 2024 under function 2510, Direction of Business Services.

The increase in compensation from a part-time position to an FTE position caused the district to exceed the statutory allowable 5% increase. Without these additional costs, Fremont SD 79 would have been in compliance for the FY 2024 Limitation of Administrative Costs.

After reviewing the documentation provided by the district on the reasons for exceeding the limitation, the costs, and the justifications, School Business Services does not have any objection to the request from Fremont SD 79 to waive the FY 2024 Limitation of Administrative Costs.

	FY 2024 BUDGET	FY 2023 ACTUAL	DIFFERENCE	PERCENT INCREASE
2320: Executive Administration Services	\$ 437,431	\$ 450,584		
2490: Other Support Services – School Administration	\$ 266,619	\$ 247,309		
2510: Direction of Business Support Services	\$ 581,474	\$ 538,711		
2570: Internal Services	\$ 89,834	\$ 41,979		
<b>TOTALS</b>	<b>\$1,375,357</b>	<b>\$1,278,583</b>	<b>\$96,774</b>	<b>8%</b>
Less FTE position increase	(\$ 80,146)			
<b>ADJUSTED TOTALS</b>	<b>\$1,295,212</b>	<b>\$1,278,583</b>	<b>\$16,629</b>	<b>1%</b>

Woodland CCSD 50 – Lake (SD31/HD61) – **Expiration 2024 school year / W-100-7377 – Waiver of School Code** (Section 17-1.5) requests a waiver of the FY 2023 Limitation of Administrative Costs. The district’s FY 2024 budgeted administrative costs exceed the FY 2023 actual administrative costs by 9%.

**ISBE Narrative:** Woodland CCSD 50 requests a waiver of the FY 2024 Limitation of Administrative Costs. The district’s FY 2024 budgeted administrative costs exceed the FY 2023 actual administrative costs by 9%.

In the 2023-24 school year budget, the district inadvertently included funds for GASB 87 into the Internal Services (2570) fund. Per accounting rules, these funds should be included in a fund that does not fall within the administrative costs. The amount budgeted for this accounting error was \$80,163. Had this amount been recorded in the proper fund for the FY 2024 budget correctly, Woodland CCSD 50 would have been in compliance for the FY 2024 Limitation of Administrative Costs.

After reviewing the documentation provided by the district on the reasons for exceeding the limitation, the costs, and the justifications, School Business Services does not have any objection to the request from Woodland CCSD 50 to waive the FY 2024 Limitation of Administrative Costs

	FY 2024 BUDGET	FY 2023 ACTUAL	DIFFERENCE	PERCENT INCREASE
2320: Executive Administration Services	\$ 546,473	\$ 566,576		
2330: Special Area Administration Services	\$1,158,230	\$1,067,508		
2510: Direction of Business Support Services	\$ 260,223	\$ 226,301		
2570: Internal Services	\$ 269,092	\$ 195,597		
<b>TOTALS</b>	<b>\$2,234,018</b>	<b>\$2,055,982</b>	<b>\$178,036</b>	<b>9%</b>
Less accounting error	(\$ 80,163)			
<b>ADJUSTED TOTALS</b>	<b>\$2,153,855</b>	<b>\$2,055,982</b>	<b>\$ 97,873</b>	<b>5%</b>

*Kaneland CUSD 302 – Kane (SD35/HD70) – Expiration 2023-24 school year / W-100-7361 – Waiver of School Code (Section 17-1.5) requests a waiver of the FY 2023 Limitation of Administrative Costs. The district’s FY 2024 budgeted administrative costs exceed the FY 2023 actual administrative costs by 19%.*

*ISBE Narrative: Kaneland CUSD 302 requests a waiver of the FY 2024 Limitation of Administrative Costs. The district’s FY 2024 budgeted administrative costs exceed the FY 2023 actual administrative costs by 19%.*

*In accordance with the negotiated teacher contract, teachers of the district are allowed a yearly 6% salary raise during their last four years with the district after submitting an irrevocable intent to retire and meeting service requirements within the district. Based on board policy, district administrators are afforded the exact same retirement benefit as teachers. The district superintendent, associate superintendent, and director of special education currently meet the requirements for the 6% retirement raise. This benefit resulted in \$2,400 additional budgeted superintendent salary, \$1,791 additional budgeted associate superintendent salary, and \$1,423 additional budgeted director of special education salary, for a total of 5,614 additional budgeted administrative expenditures in FY 2024.*

*Due to the retirement of the associate superintendent, an assistant superintendent for business/chief school business official position was created. This resulted in a \$140,000 salary in the Direction of Central Support Services function. With the future retirements of the superintendent and director of special education, the district allotted for \$5,000 to aid in searching for these replacements.*

*In addition, for the 2023-24 school year, the district’s union contract granted teachers a 6.5% increase in salary. For the same school year, the school board granted administrators a 6.5% raise to align with the teachers’ contract. The granted raise resulted in \$5,181 additional budgeted administrative expenditures in FY 2024 for the salary the remaining administrative staff members.*

*The addition retirement salaries, the newly created position, the raises to match the teachers’ salary increase, and the allotment of recruitment funds all contributed to the district exceeding the statutory allowable 5% increase. Without these additional costs, Kaneland CUSD 302 would have*



been in compliance with the FY 2022 Limitation of Administrative Costs, experiencing a 5% increase.

After reviewing the documentation provided by the district on the reasons for exceeding the limitation, the costs, and the justifications, School Business Services does not have any objection to the request from Kaneland CUSD 302 to waive the FY 2024 Limitation of Administrative Costs.

	FY 2024 BUDGET	FY 2023 ACTUAL	DIFFERENCE	PERCENT INCREASE
2320: Executive Administration Services	\$ 446,458	\$ 424,648	\$ 21,810	
2330: Special Area Administration Services	\$ 501,899	\$ 467,000	\$ 34,899	
2510: Direction of Business Support Services	\$ 394,394	\$ 233,479	\$160,915	
2570: Internal Services	\$ 0	\$ 498	(\$ 498)	
<b>TOTALS</b>	<b>\$1,337,144</b>	<b>\$1,125,625</b>	<b>\$211,519</b>	<b>19%</b>
Less retirement increase salary for Superintendent, Associate Superintendent, and Director of Special Education	(\$ 5,615)			
Less other administrative employee raise given to match raises in teacher's contract	(\$ 5,181)			
Less Assistant Superintendent for Business/CSBO position	(\$ 140,000)			
Less recruiting expenses	(\$ 5,000)			
<b>ADJUSTED TOTALS</b>	<b>\$1,186,348</b>	<b>\$1,125,625</b>	<b>\$ 60,723</b>	<b>5%</b>

West Carroll CUSD 314 – Lake (SD45/HD89) – **Expiration 2025 school year / W-100-7380 – Waiver of School Code** (Section 17-1.5) requests a waiver of the FY 2025 Limitation of Administrative Costs. The district's FY 2024 budgeted administrative costs exceed the FY 2023 actual administrative costs by 22%.

**ISBE Narrative:** West Carroll CUSD 314 requests a waiver of the FY 2025 Limitation of Administrative Costs. The district's FY 2025 budgeted administrative costs exceed the FY 2024 actual administrative costs by 22%.

In June 2023, West Carroll CUSD 314's superintendent resigned. For FY 2024, the district hired a retired superintendent to act as the interim while the district searched for permanent candidates. At that time, the district undertook a school closure and reconfiguration project led by the interim superintendent. In February 2024, the interim superintendent willingly unretired after the 120-day Teachers' Retirement System retirement rule ended. The Board of Education has determined it to be in the best interest of the district to retain the interim superintendent on a permanent basis for FY 2025 in order to see through the building closure and reconfiguration. The district will pay the superintendent's pension plus a full-time superintendent salary during this time. The district will continue to search for a permanent superintendent to begin with the 2025-26 school year.

Retaining the retired superintendent has resulted in an additional \$38,952 in administrative costs causing West Carroll CUSD 314 to exceed the 5% threshold for FY 2025. Without these additional costs, West Carroll CUSD 314 would have been in compliance for the FY 2025 Limitation of Administrative Costs.

After reviewing the documentation provided by the district on the reasons for exceeding the limitation, the costs, and the justifications, School Business Services does not have any objection to the request from West Carroll CUSD 314 to waive the FY 2025 Limitation of Administrative Costs.

	FY 2025 BUDGET	FY 2024 ACTUAL	DIFFERENCE	PERCENT INCREASE
Function 2320: Executive Administration Services	\$282,954	\$218,890	\$64,064	
Function 2510: Direction of Business Support Services	\$ 1,500	\$ 9,821	(\$ 8,321)	
Function: 2570: Internal Services	\$ 0	\$ 5,101	(\$ 5,101)	
<b>TOTALS</b>	<b>\$284,454</b>	<b>\$233,812</b>	<b>\$50,642</b>	<b>22%</b>
Less salary and benefits for retaining retired superintendent	(\$ 38,952)		(\$38,952)	
<b>ADJUSTED TOTALS</b>	<b>\$245,502</b>	<b>\$233,812</b>	<b>(\$11,690)</b>	<b>5%</b>

**Rochester CUSD 3A – Sangamon (SD48/HD95) – Expiration 2028-29 school year / W-100-7384 – Waiver of School Code** (Section 17-1.5) requests a waiver of the FY 2023 Limitation of Administrative Costs. The district’s FY 2024 budgeted administrative costs exceed the FY 2023 actual administrative costs by 36%.

**ISBE Narrative:** Rochester CUSD 3A requests a waiver of the FY 2024 Limitation of Administrative Costs. The district’s FY 2024 budgeted administrative costs exceed the FY 2023 actual administrative costs by 36%.

For the 2023-24 school year, the district has added a new certified business manager under Direction of Business Support Services. The previous business manager’s credentials allowed the position to be under function 2520, which is not subject to the Limitation of Administrative Costs threshold.

The additional cost for this position results in \$175,500 additional salary and benefits budgeted for Direction of Business Support Services expenditures in FY 2024. The addition of this certified position costs caused the district to exceed the statutory allowable 5% increase. Without these additional costs, Rochester CUSD 3A would have been in compliance for the FY 2024 Limitation of Administrative Costs.

After reviewing the documentation provided by the district on the reasons for exceeding the limitation, the costs, and the justifications, School Business Services does not have any objection to the request from Rochester CUSD 3A to waive the FY 2024 Limitation of Administrative Costs.

	FY 2024 BUDGET	FY 2023 ACTUAL	DIFFERENCE	PERCENT INCREASE
2320: Executive Administration Services	\$353,943	\$370,634		

2330: Special Area Administration Services	\$203,100	\$168,075		
2510: Direction of Business Support Services	\$175,500	\$ 0		
<b>TOTALS</b>	<b>\$732,543</b>	<b>\$538,709</b>	<b>\$193,834</b>	<b>36%</b>
Less certified business manager	(\$175,500)			
<b>ADJUSTED TOTALS</b>	<b>\$557,043</b>	<b>\$538,709</b>	<b>\$18,334</b>	<b>3%</b>

**Alternative Program**

*West Cook ISC 2 Regional Office of Education 6 – Cook (SD4/HD7) – Expiration 2027-28 school year / W- 100-7368 – Waiver of School Code (105 ILCS 5/13B-20.25) requests to allow students in Grades K-12 who meet enrollment criteria established by the school district and who meet the definition of "student at risk of academic failure" to participate in an alternative learning opportunities program.*

***ROE Narrative:** Current, very successful, Alternative Learning Opportunities Programs (ALOPs) that exist in elementary schools require that students in Grades 4 and 5 are served in their home school through a push-in type program. Students take classes with their peers and receive supplemental academic and social/emotional skill support before, during and after school and as appropriate and needed, on non-school days. Student advocates work with students and families year-round and bring other community resources to families as needed to address issues that are at the root cause of their lack of school success. Advocates also help families and students navigate the school system, working to strengthen the partnership between parents/guardians, school staff and students all focused ultimately on a meaningful graduation from high school in the future. If we are allowed to expand our services to students in kindergarten through third grade, we will use the same push-in model to the students’ home schools, and we will provide the same year-round support. Students will be in their home school classes with their peers, but they will receive support from our student advocates. We know that if we can assist families and students in being successful early in their school careers, they have a better chance of reaching a goal of a meaningful high school graduation having acquired the requisite academic and life skills to be successful.*

*Article 105 5/13B-5 of the Illinois School Code states, “The General Assembly finds and declares the following: It is the responsibility of each and every school district to provide educational support for each and every student to meet Illinois Learning Standards.” The Article continues to advance that school districts need flexibility and financial support to provide students with education and other services needed to ensure student success. Such flexibility includes the offering of alternative educational experiences that comply with all applicable State and Federal laws and rules.*

*The purpose of this modification to 105 ILCS 5/13B-20.25 is to allow alternative education opportunities to exist for each and every student in the West40 catchment area. Not only philosophically do we believe this is the appropriate avenue to pursue, but both the data available within our catchment area and the research surrounding at-risk youth, suggests that this is the right thing to do. Each of the existing West40 ALOP applications identify that our programs will support student success by focusing on their individual challenges to learning,*

poor attendance, behavior referrals, academic performance, early literacy, and numeracy skills, academic skill acquisition, and their overall social and emotional wellbeing. This modification will allow us to expand our evidenced based practices to intervene at the earlier stages for some of our most vulnerable youth.

### **Drivers Education**

*Glenbrook High School District– Cook (SD9/HD17) – Expiration 2029-30 school year / W- 100-7392 – Waiver of School Code (Section 27-24.2) requests to increase fee for drivers education to \$500 (from \$50 or \$250).*

***District Narrative:** The district will continue to provide a high-quality drivers education program that meets or exceeds all requirements set forth in School Code. The district will be able to do so in a more fiscally responsible and cost-effective manner by increasing the course fee. The current \$250 fee limitation does not recognize the significantly high cost of operating a high-quality drivers education program. The equipment cost with reliable drivers ed vehicles equipped with brakes and mirrors as well as routine quarterly maintenance and gas factors into the request for a fee waiver to run our program in a more economical manner.*

*Community High School District 128 – Lake (SD30/HD59) – Expiration 2029-30 school year / W- 100-7375 – Waiver of School Code (Section 27-24.2) requests to increase fee for driver education to \$350 (from \$50 or \$250).*

***District Narrative:** Community High School District 128, Vernon Hills, Illinois, is seeking a waiver of School Code ILCS 5/27-24.2 to change the fee for Drivers Education from "not to exceed \$250" to "not to exceed \$350." Granting this request would fulfill the intent of the Driver Education mandate and allow the District to operate in a more fiscally responsible manner. The cost of the driver education program and the decreased state funding is putting more financial strain on the school district. The FY23 cost of our driver education program was \$1,592,649 for 528 students resulting in a \$3,016 cost per student. Current fees generated \$102,841.09 and state revenues were \$87,883.82. State funding decreases will put state revenues closer to \$60,000, down from \$110,000 only a few years ago. A \$350 fee is more fiscally responsive to the cost of the program.*

### **Non-resident Tuition**

*Crete-Monee CUSD 201-U – Will (SD15/HD29) – Expiration 2028-29 school year / W-100-7385 – Waiver of School Code (Section 10-20.12a) requests to allow district to charge less than 110% of the per capita tuition charge (zero charge) for non-resident students located outside their usual district boundary.*

***District Narrative:** The purpose of this request is to protect the educational continuity of a defined group of students currently attending Crete-Monee Community Unit School District 201-U by allowing them the ability to continue to attend District 201-U schools on a tuition-free basis.*

*The factual background surrounding this request involves a non-uniform boundary line between District 201-U and Bloom Township High School District 206 ("Bloom") and Steger District 194*

*in the northern part of Crete. In February of 2024, a family living in this area came to register a child into District 201-U as the family had a Crete mailing address. The database that District 201-U was using determined that although the family had a Crete mailing address, the real estate taxes for the property were going to the Bloom and Steger school districts. The family was directed to enroll the child in Steger and, initially, Steger rejected the family as it did not believe that the residence was in its district boundaries based upon the map that it was utilizing. In reviewing the various maps being used by the districts and the respective Regional Offices of Education, it was clear that there was a lack of consistency in the maps themselves across all these entities.*

*As a result of this issue coming to its attention, District 201-U undertook an investigation throughout the area to determine if there were other families that were enrolled in District 201-U despite paying property taxes to Bloom and Steger. It was ultimately determined that there were 24 students enrolled in District 201-U's schools from 13 different residences that are within the jurisdictional boundaries of Bloom and Steger. The impacted students range from kindergarten to the 11th grade and some of the children have been enrolled in District 201-U's schools for many years. These families all enrolled in District 201-U and were accepted based upon a misunderstanding of the jurisdictional boundary line, and the children have a defined community of interest with District 201-U, its educators, and fellow students. The parents of these impacted students have expressed a desire to have their children remain enrolled in District 201-U in order to avoid the educational and social disruptions associated with transferring them to different school districts. At the same time, District 201-U recognizes that there is a statutory requirement to charge a unified tuition rate for non-resident pupils attending its schools.*

*In order to accommodate these families that enrolled in District 201-U in good faith and that now make up part of the fabric of our educational community while remaining in compliance with the School Code, the Board of Education of Crete-Monee Community School District 201-U is seeking a waiver of the tuition obligations imposed by Section 10-20.12a of the School Code for this finite and defined group of families while they remain in their current residences. The Board of Education believes that a waiver under these circumstances would avoid the negative educational and social impacts to this group of students while continuing to require the tuition payment required for other non-residents as necessary to protect the integrity of District 201-U's boundaries and its taxpayers' best interests. In addition, there would be no harm to the Bloom or Steger districts financially as they would continue to receive property taxes from these properties.*

### **Physical Education**

**Downers Grove GSD 58 – DuPage (SD21/HD42) – Expiration 2028-29 school year / W-100-7374R2– Waiver of School Code** (Section 27-6) requests to allow the district to permit kindergartners, first, and second graders to receive PE instruction two days per week plus 30-minute designated period for Teacher Directed Physical Education (TDPE).

**District Narrative:** *The Illinois School Code states, "Pupils enrolled in the public schools and State universities engaged in preparing teachers shall be required to engage during the school day, except on block scheduled days for those public schools engaged in block scheduling, in courses of physical education for such periods as are compatible with the optimum growth and developmental needs of individuals at the various age levels except when appropriate excuses are submitted to the school by a pupil's parent or guardian or by a person licensed under the Medical Practice Act of 1987 and except as provided in subsection (b) of this Section. A school board may*

*determine the schedule or frequency of physical education courses, provided that a pupil engages in a course of physical education for a minimum of 3 days per 5-day week."*

*(ILCS5/ 27-6)*

*In Downers Grove Grade School District 58, students in Grades 3-8 receive physical education instruction from a teacher licensed or endorsed in physical education at least three days per five-day week. Students in kindergarten, first, and second grades receive physical education instruction from a teacher licensed or endorsed in physical education two days per five-day week; a third 30-minute period is designated for TDPE, which meets the intent of the three days per week mandate of physical activity for all public school students while acknowledging the district's budgetary and physical space limitations. The fact that this TDPE instruction is designed to be "compatible with the optimum growth and developmental needs of individuals at the various age levels" further demonstrates its compatibility with the intent of this section of the Illinois School Code. We therefore request a renewal of our waiver of this specific mandate for the kindergarten, first and second grade students at Downers Grove Grade School District 58 in Downers Grove, Illinois.*

**Community Unit School District 300 – Kane (SD33/HD66) – Expiration 2028-29 school year / W-100-7383 – Waiver of School Code** (Section 27-6) requests to decrease number of physical education days for kindergarten through fifth grade from three days per week to two days per week.

**District Narrative:** *Community Unit School District 300 is seeking a formal waiver of School Code 105 ILCS 5/27-6. We are requesting a waiver of the School Code, which would allow the district to permit students in kindergarten through fifth grade to participate in physical education two times a week instead of three times a week. This waiver is requested due to facility limitations. More specifically, district elementary schools face constraints in terms of available space for physical education activities. The existing facilities cannot accommodate all students without leading to overcrowding and safety concerns. By way of further information, please note that in addition to physical education classes, elementary students have, at minimum, one daily supervised recess session with physical activities, unstructured play, and fitness time. Additionally, if granted, this waiver will allow increased student access to music, art, and library media programming. If approved, this waiver would stay in place for the next five consecutive years.*

**Hononegah Community High School – Winnebago (SD45/HD90) – Expiration 2028-29 school year / W-100-7387 – Waiver of School Code** (Section 27-6) requests to waive the three day per week PE requirement for Grades 10-12 for student athletes during the period their sport is in season and students who are enrolled in 6 academic courses.

**District Narrative:** *The law requires all students to participate in physical education on a daily basis. The intent of the law is for students to obtain cardiovascular activity on a daily basis in order to maintain a healthy lifestyle. Hononegah Community High School strongly supports this law.*

- I. *The law currently allows athletes in Grades 11 and 12 to be exempt from physical education during the time their sport is in season. Hononegah Community High School would also request 10th graders to be included in this exemption. Tenth grade students also obtain the needed cardiovascular activity as members of varsity and sophomore teams.*

- II. *Hononegah Community High School is requesting 10-12 grade athletes be exempt during the entire semester in which their sport is in season. This would allow athletes to complete an entire academic class during their exemption from PE.*
- III. *Hononegah Community High School is requesting this waiver to allow students in Grades 10, 11, and 12 the option to opt out of physical education provided they are taking five academic classes. This waiver would allow these students to take a sixth academic class. These students will obtain the cardiovascular activity either before or after school hours through Illinois High School Association activities or through personal programs. The students will demonstrate physical fitness through proficiency in a mandatory fitness test. Students performing proficiency determined by a cut-score on the fitness test will be given the opportunity to utilize an exemption from the required physical education class. Those students who do not display an adequate level of fitness by demonstrating proficiency standards on the fitness test will be required to take a physical education class.*

*Rantoul City SD 137 – Champaign (SD52/HD104) – Expiration 2028-29 school year / W-100-7396– Waiver of School Code (Section 27-6) requests to allow the district to permit kindergartners, first, and second graders to receive PE instruction two days per week plus 30-minute designated period for Teacher Directed Physical Education.*

*(1) The Intent of the Rule or Mandate*

*The intent of 105 ILCS 5/37-6 is to ensure that students in school have courses in physical education a minimum of three days per five-day week.*

*(2) Manner in Which Applicant Will Meet Intent*

*In Grades 6-8, students will continue to receive the minimum required PE instruction. For students in Grade K-5, we are seeking the waiver in order to guarantee that all schools and all grades are in compliance with the mandate. We have embedded opportunities for physical activity throughout the school week as we are in the process of implementing an Action-Based Learning (ABL) program in each elementary school.*

*(3) How the Manner of the Proposed by the Applicant will be more Effective, Efficient, or Economical*

*Granting this modification of the School Code waiver will enable the district to continue to offer physical education instruction along with implementation of ABL. Additionally, two of our four elementary schools do have space limitations related to access to the gymnasium due to high enrollment. It is not more efficient or economical for our schools to add additional gym space and staffing, as well as potentially reduce instructional time in math and reading, to meet this mandate.*

**School Building Code**

*Sycamore CSD 427 – DeKalb (SD35/HD70) – Expiration 2025 school year / W-100-7386 – Waiver of School Code (Section 17-2.1) requests to allow district to purchase property.*

***District Narrative:*** *Sycamore School District 427 is requesting a waiver of the Illinois School Code 105 ILCS 5/17-2.11(f) whereby the district is permitted to replace the existing administrative building with the purchase of an existing building that is larger than the square footage of the current administrative building. The district plans to purchase this building with the use of Health*

*Life Safety funds and an expected closing date by the end of July. The district respectfully requests that ISBE and the general assembly (a) modify or waive the “equivalent in area provision” to be read and interpreted as “at least” equivalent; (b) waive the “school building” requirement to permit administrative building; and (c) waive the “new” requirement to allow for the purchase of an existing building as a replacement building.*

*Additionally, in order to expend funds as planned while also timely closing on the purchase of this property, the district requests a waiver of the portion of Section 105 ILCS 5/17-2.11(a)(2) stating that “approval must not be granted for any work that has already started without the prior express authorization of the state superintendent of education” In the event that the “work” is considered commenced or initiated due to entering into a contract for purchase and/or the closing date of purchase, the district requests the waiver of this section to allow for retroactive approval of its planned use of Health Life Safety funds. All other applicable statutory requirements for this purchase have been timely met.*

*The intent of Section 17-2.11(f) is to allow for a school district to replace a building or addition when the costs of adequately rehabilitating an existing building exceed the costs of purchasing or building a replacement. The protections within this section of the code exist to prevent improper replacement of a building with one of lesser quality and utility. The opposite is the case here for Sycamore School District. Here, the costs of rehabilitating the existing administrative building so significantly exceed the costs of purchasing the chosen building, that the responsibly fiscal decision is immediately clear, especially when considering that the chosen building to be purchased is actually newer, larger, and can be more effectively utilized for the district’s needs. Additionally, the purchase of an existing building rather than a “new” building has proven to be effective, efficient, and economical, and allowing for a purchase of an administrative building rather than a “school” building will more effectively allow the district to serve its student body with other funds and better resources at hand, even despite students not being present day-to-day in the building. The quantitative extent to which the planned purchase is more effective, efficient, and economical is best demonstrated by the fiscal analysis, a comparison of cost estimates provided by the district’s architect pursuant to the requirements of 17-2.11(f).*

### **Statement of Affairs**

**Lisle CUSD 202 – DuPage (SD21/HD42) – Expiration 2028-29 school year / W-100-7388 – Waiver of School Code (Section 10-17)** requests to waive the requirement to post the Annual Statement of Affairs in the local newspaper.

***District Narrative:*** *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 information is also included in the Annual Financial Report, 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 (JSBE 50-35) is prepared as a result of the audit and filed with the regional superintendent and the Illinois State Board of Education. The district will make copies of this report accessible and convenient for perusal to the public upon request. Additionally,*



*the report will be posted on the district's website, which is accessible to a greater number of individuals than the local newspaper. This waiver would generate savings for the district of at least \$2,000 per year. This estimated amount includes the publication cost and the expenses associated with the staff time to prepare the information for publishing.*

*Over the five-year period of this waiver, the total amount saved is \$10,000, which will be better utilized for other items or fees essential to the education of our students.*

**Rantoul City SD 137 – Champaign (SD52/HD104) – Expiration 2028-29 school year / W-100-7363 – Waiver of School Code** (Section 10-17) requests to waive the requirement to post the Annual Statement of Affairs (ASA) in the local newspaper.

***District Narrative:*** (1) *The intent of 105 ILCS 5/10-17 is to make pertinent information from the district's ASA available to the public for review by December 1 annually.*

(2) *The intent of the rule will be met through using the district website, which is available to the entire school community, and public as a whole. The village of Rantoul does not have a local newspaper and the regional newspaper has limited circulation that does not reach all constituents. To meet this requirement, the district must: publish an ASA summary on the school district's website by December 1 annually; submit the ASA to the State Board of Education for posting on the agency's website by December 15 annually; and retain copies of the ASA in the school district's administrative office.*

(3) *Granting this modification of the School Code waiver would save Rantoul City SD 137 at least \$1,800 each year or approximately \$9,000 over a five-year period (keeping the cost fixed at the current rate). These funds could therefore be utilized for other items or fees essential to the education of our students. The impact of this opportunity will be assessed over the five-year period of the waiver through feedback from students, parents, teachers, and staff as well as from the community members.*

**Section II**  
**Waiver and Modification Database**

Requests received during this waiver cycle are presented numerically by Senate and House district and then alphabetically by school district or eligible applicant. The “action” to be taken for each request is noted; that is, requests for waivers upon which the General Assembly must act are noted as “GA Action”; modifications already acted upon by the state superintendent of education in accordance with Section 1A-4 of the School Code are noted as “ISBE Approved” or “ISBE Denied”; and requests that were returned for one or more of the following reasons are noted “Ineligible,” “NWN” (no waiver needed), or “Withdrawn.”

<u>Legislative Districts</u>	<u>Number</u>	<u>School District</u>	<u>County</u>	<u>Code Citation*</u>	<u>Description</u>	<u>Action</u>	<u>Subject</u>	<u>Expiration Year**</u>
4/7	7376	Bellwood SD 88	Cook	17-1.5	Request to waive the 5 percent limitation of administrative costs.	GA Action	Administrative Cost Limitation	2024
4/7	7371	Bellwood SD 88	Cook	10-19.05(d)	Request to allow a school improvement day without students in attendance [4 full-day improvement days in lieu of 4 half-days].	ISBE Approved	School Improvement	2029
4/7	7355	Proviso Township HSD 209	Cook	27-24.3	Request to allow the district to use computerized simulators for 12 hours of practice driving in lieu of three hours of behind-the-wheel instruction in a car.	Ineligible	Driver’s Education	2029
4/7	7368	Region 6 West Cook ISC 2	Cook	105 ILCS 5/13b-20.25	Request to expand the definition of "student at risk of academic failure" to participate in a push-in alternative learning opportunity program.	GA Action	Alternative Program	2028
9/17	7392	Glenbrook High School District 225	Cook	27-24.2	Request to increase \$250 drivers education max to \$500.	GA Action	Driver’s Education	2029
9/18	7358	Avoca School District 37	Cook	17-1.5	Request to waive the 5 percent limitation of administrative costs.	GA Action	Administrative Cost Limitation	2024
15/29	7385	Crete-Monee CUSD 201-U	Will	10-20.12	Request to allow non-resident students located outside the district boundary attend tuition-free.	GA Action	Non-Resident Tuition	2029

15/29	7391	Sycamore CUSD 427	DeKalb	ISBE Rule 23 – Admin Code 180.500 (e)	Request to allow district to purchase building.	ISBE Denied	School Building Code	2029
19/38	7393	Rich Township High School District 227	Cook	10-19.05(d)	Request to use banked instruction time over the minimum of 300 minutes as one full-school improvement day.	Ineligible	School Improvement	2029
21/42	7374	Downers Grove GSD 58	DuPage	27-6	Request for K-2 <sup>nd</sup> grade to receive PE instruction 2 days per week plus 30-minute period designated for Teacher Directed Physical Education.	GA Action	Physical Education	2029
21/42	7388	Lisle CUSD 202	DuPage	17-10	Request to waive the requirement to post the Annual Statement of Affairs in the local newspaper.	GA Action	Statement of Affairs	2029
25/50	7390	Aurora East USD 131	Kane	27-24.2	Request to allow 3 simulator hours of driving time be applied toward the total number of on-the-road driving time.	Ineligible	Driver's Education	2029
26/52	7379	Fremont School District 79	Lake	17-1.5	Request to waive the 5 percent limitation of administrative costs.	GA Action	Administrative Cost Limitation	2024
26/52	7389	Fox River Grove District 3	McHenry	17-1.5	Request to waive the 5 percent limitation of administrative costs.	Withdrawn	Administrative Cost Limitation	2024
30/59	7375	Community High School District 128	Lake	27-24.2	Request to change fee of driver's education from "not to exceed \$250" to "not to exceed \$350."	GA Action	Driver's Education	
31/61	7377	Woodland CCSD 50	Lake	17-1.5	Request to waive the 5 percent limitation of administrative costs.	GA Action	Administrative Cost Limitation	2024
33/66	7383	Community Unit School District 300	Kane	27-6	Request to decrease number of physical education days from 3 days to 2 days per week.	GA Action	Physical Education	2029
35/70	7361	Kaneland CUSD 302	Kane	17-1.5	Request to waive the 5 percent limitation of administrative costs.	GA Action	Administrative Cost Limitation	2024
35/70	7386	Sycamore CUSD 427	DeKalb	17-2.1	Request to allow district to purchase building	GA Action	School Building Code	2025
36/71	7381	Macomb CUSD 185	McDonough	27-24.2	Request to change drivers education fee from \$50 to \$150.	NWN	Driver's Education	2029

42/83	7395	St Charles CUSD 303	Kane	27-24.2	Request to increase \$250 drivers education max to \$600.	Ineligible	Driver's Education	2030
43/85	7364	Lockport Township High School District 205	Will	10-19.05(d)	Request to allow a school improvement day without students in attendance [2 full-day improvement days in lieu of 4 half-days].	ISBE Approved	School Improvement	2025
44/87	7372	Clinton CUSD 15	DeWitt	10-19.05(d)	Request to allow a school improvement day without students in attendance [2 full-day improvement days in lieu of 4 half-days].	ISBE Approved	School Improvement	2029
44/87	7352	Heyworth CUSD 4	McLean	10-19.05(d)	Request to allow a school improvement day without students in attendance [5 full-day improvement days in lieu of 10 half-days].	ISBE Approved	School Improvement	2029
44/88	7357	Tri-Valley CUSD 3	McLean	10-19.05(d)	Request to allow a school improvement day without students in attendance [5 full-day improvement days in lieu of 10 half-days].	ISBE Approved	School Improvement	2029
45/89	7380	West Carroll CUSD 314	Carroll	17-1.5	Request to waive the 5 percent limitation of administrative costs.	GA Action	Administrative Cost Limitation	2025
45/90	7373	Hononegah CHSD 207	Winnebago		Request to use Drive Right for contract services for behind-the-wheel instruction.	NWN	Driver's Education	2025
45/90	7387	Hononegah CHSD 207	Winnebago	27-6	Request to waive PE for certain students.	GA Action	Physical Education	2029
48/95	7360	Edinburg CUSD 84	Christian	17-1.5	Requests to waive the 5 percent limitation of administrative costs.	Withdrawn	Administrative Cost Limitation	2024
48/95	7384	Rochester CUSD 3A	Sangamon	17-1.5	Request to waive the 5 percent limitation of administrative costs.	GA Action	Administrative Cost Limitation	2024
50/100	7394	Brussels CUSD 42	Calhoun	10-20.12	Request to allow students of non-resident, full-time staff members to attend school.	NWN	Non-Resident Tuition	2030
50/100	7354	Jersey CUSD 100	Jersey	10-19.05(d)	Request to allow a school improvement day without students in attendance [3 full-day improvement days in lieu of 6 half-days].	ISBE Approved	School Improvement	2029
50/100	7353	Waverly CUSD 6	Morgan	10-19.05(d)	Request to allow a school improvement day without students in attendance [1 full-day	Withdrawn	School Improvement	2029

					improvement days in lieu of 2 half-days].			
51/102	7382	Kansas CUSD 3	Edgar	17-1.5	Request to waive the 5 percent limitation of administrative costs.	NWN	Administrative Cost Limitation	2024
51/102	7378	Shiloh CUSD 1	Edgar	10-19.05(d)	Request to allow a school improvement day without students in attendance [2 full-day improvement days in lieu of 4 half-days].	ISBE Approved	School Improvement	2030
52/104	7363	Rantoul City SD 137	Champaign	10-17	Requests to waive the requirement to post the Annual Statement of Affairs in the local newspaper.	GA Action	Statement of Affairs	2029
52/104	7396	Rantoul City SD 137	Champaign	27-6	Request to decrease number of physical education days from 3 days to 2 days per week.	GA Action	Physical Education	2029
52/104	7370	Thomasboro CCSD 130	Champaign	17-1.5	Requests to waive the 5 percent limitation of administrative costs.	Ineligible	Administrative Cost Limitation	2025
53/105	7369	Cornell CCSD 426	Livingston	10-19.05(d)	Request to allow 2 full days for school improvement in lieu of 4 half days.	ISBE Approved	School Improvement	2029
53/105	7351	Lexington CUSD 7	McLean	10-19.05(d)	Request to allow a school improvement day without students in attendance [5 full-day improvement days in lieu of 10 half-days].	ISBE Approved	School Improvement	2029
54/108	7359	Effingham CUSD 40	Effingham	10-19.05(d)	Request to allow a school improvement day without students in attendance [4 full-day improvement days in lieu of 8 half-days].	ISBE Approved	School Improvement	2029
54/108	7356	Mt. Olive CUSD 5	Macoupin	10-19.05(d)	Request to allow a school improvement day without students in attendance [3 full-day improvement days in lieu of 6 half-days].	ISBE Approved	School Improvement	2029
54/108	7366	Staunton CUSD 6	Macoupin	10-19.05(d)	Request to allow a school improvement day without students in attendance [3 full-day improvement days in lieu of 6 half-days].	ISBE Approved	School Improvement	2029
58/115	7367	DuQuoin District 300	Perry	10-19.05(d)	Request to allow a school improvement day without students in attendance [3 full-day	ISBE Approved	School Improvement	2025

					improvement days in lieu of 6 half-days].			
59/118	7362	Carterville CUSD 5	Williamson	10-19.05(d)	Request to allow a school improvement day without students in attendance [3 full-day improvement days in lieu of 6 half-days].	ISBE Approved	School Improvement	2029
59/118	7365	Herrin CUSD 4	Williamson	10-19.05(d)	Request to allow a school improvement day without students in attendance [1 full-day improvement days in lieu of 2 half-days].	ISBE Approved	School Improvement	2029