

HOWARD A. METZ
hmetz@robbins-schwartz.com

September 30, 2024

VIA CERTIFIED MAIL AND EMAIL

Illinois State Board of Education
Legislative Affairs Department
100 North First Street, S-404,
Springfield, Illinois 62777-0001
waiverscorrespondence@isbe.net

**Re: Sycamore Community School District No. 427
Appeal of Denial of Application for Waiver of ISBE Rule**

To Whom it May Concern:

We represent Sycamore Community School District No. 427 (the “District”) in this matter. We are in receipt of ISBE’s September 5, 2024, correspondence denying the District’s request for a modification of ISBE Rule 23 Ill. Admin Code 180.500(e). This correspondence constitutes appeal of that decision.

The Board of Education of the District approved the District’s Application on July 10, 2024, requesting a waiver of the Illinois School Code, 105 ILCS 5/17-2.11(f) and a waiver of ISBE Rule 180.500(e). These dual requests were made at the recommendation of ISBE, based on conversations with staff members for the purpose of purchasing an existing building that is larger than the square footage of the District’s current administrative building by using Health Life Safety Funds. Upon the request and instruction of ISBE’s legislative affairs department, the District subsequently split that application into two separate requests, with a revised application dated July 23, 2024.

The reason provided for denial of the District’s application is cited as follows: “Granting this modification request would in effect be granting a waiver of the School Code. A decision such as this should be made after public debate in the Illinois General Assembly.” See attached correspondence at Exhibit 1. The District hereby respectfully appeals this denial because the corresponding request for waiver of the School Code (for section 17-2.11(f), mentioned above) is

currently pending before the General Assembly. The District therefore requests that ISBE and/or the General Assembly reserve its ruling on the District's application for waiver of the corresponding ISBE Rule 180.500(e) until after the General Assembly makes its determination of whether to grant the District's waiver of the School Code section 17-2.11(f). This appeal request is made to ensure that the District does not forfeit any right to apply for waiver of ISBE rules which may be necessary to allow it to successfully use Health Life Safety Funds to complete the purchase in question here.

The District appreciates the Board's willingness to work toward a solution in this matter which would be in the best interests of the school community. Please contact us with any questions or concerns.

Respectfully submitted,

ROBBINS SCHWARTZ



By: Howard A. Metz

HAM/kzr

cc:

Steve Wilder

Nicole Stuckert

Katie DiPiero

Enclosure(s)

September 5, 2024

Steve Wilder
Sycamore CUSD 427
245 W. Exchange St.
Sycamore, IL 60178

Dear Mr. Wilder:

On July 29, 2024, the Illinois State Board of Education received a request from Sycamore CUSD 427 for a modification of ISBE Rule 23 III. Admin. Code 180.500(e). This request seeks to allow the district to waive express authorization from the state superintendent to use fire prevention and safety funds to purchase a school building. Thank you for filing this request.

After thorough review of the documentation submitted to support the request and pursuant to 2-3.25g of the School Code and 23 III. Admin. Code 1.100(i), I hereby declare the request **denied** for the following reason:

Granting this modification request would in effect be granting a waiver of the School Code. A decision such as this should be made after public debate in the Illinois General Assembly.

Please notify the State Board of Education in writing within 30 calendar days after receiving this letter if you wish to appeal the denial. The written appeal must include:

- The date the local Board of Education, governing board, or regional superintendent of schools approved the original request;
- The citation of the rule or School Code section involved; and
- A brief description of the issue.

This appeal will be forwarded to the General Assembly when the Fall 2024 Waiver Report is submitted.

Should you have any questions or concerns, please contact the Legislative Affairs Department at 217-782-6510.

Sincerely,



Dr. Tony Sanders
State Superintendent of Education