

Building Resilient School Systems in **ILLINOIS**

An Education Flexibility
Guide for District
and School
Leaders





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DISCLAIMER

This is not a legal document and is not to be relied on as such. Neither the list of areas of flexibility nor information summarizing legislative mandates and administrative rules is exhaustive. The information provided should also not be considered a complete synopsis of the state's requirements or a district's obligations. Passages quoted from the ILSC and Administrative code reflect text made available through the website of the Illinois General Assembly as of August 2020. Please consult official versions of the requirements.

CONTENTS

I. Introduction	1
II. Illinois' Innovation Landscape	2
State Support for Innovation	2
Context Matters	4
III. Using Flexibility for Innovation	5
Flexibility Through State Delegation of Authority	6
Basic Curriculum	6
Basic Standards	6
Instructional Programs	7
Flexibility Through Innovation Program Participation	9
Competency-Based High School Graduation Requirements Pilot Program	9
Alternative Learning Opportunities Programs	12
Illinois Hope and Opportunity Pathways Through Education Program (IHOPE)	12
Flexibility Through Request	13
Waiver and Modification of Rules and Mandates	13
Three Steps to Flexibility By Request	14
IV. Suggested Next Steps	16
Endnotes	18



I. INTRODUCTION

Next generation learning tailors a student’s educational experience to meet their unique strengths, interests and needs. In addition, it provides opportunities for increased interaction with teachers and peers and results in higher levels of student engagement. Students are encouraged to play a greater role—and be more invested—in their learning. Coupled with flexibility in pace and delivery, next generation learning is grounded in the idea that students should progress when they demonstrate mastery of key content and skills, regardless of the time spent in class or even where instruction takes place.¹

A defining characteristic of next generation learning is the opportunity for schools and school districts to be empowered to identify state laws, regulations and other policies that act as barriers or present obstacles to increasing innovation and engagement through next generation learning models. Along with identifying obstacles and barriers, school and local leaders can consider the extent to which they are taking advantage of current flexibilities and opportunities existing in the state’s statutory and regulatory framework.

Nearly every school in America was compelled to adopt aspects of next generation learning as a result of the COVID-19 pandemic. The pandemic forced schools to adopt remote learning and other innovative instructional practices almost overnight. Thus far, the quality of remote learning adoption and planning appears to be highly related to whether a school or school district had a prior culture of innovation and integration of next generation learning models and practices.

Today, too few schools are comfortable with innovation. Many believe innovation must amount to an entire radical redesign of the classroom experience. To be clear, this *is* innovation, but it is not the only type. Innovation comes in many forms, large and small. The biggest challenge in most schools is getting one teacher to adopt one innovative change within their classroom in a way that improves the student experience and/or outcomes. This could mean something as small as allowing students to form working groups and project teams organically to complete lessons, leaning more on peer-to-peer learning, or it could mean moving towards personalized learning, such as competency-based education.

A central challenge for school innovation is understanding what is possible. While the Illinois General Assembly and Illinois State Board of Education (ISBE or State Board) have created programs and incentives for local leaders to support next-generation learning—such as the Competency-Based High School Graduation Requirements Pilot, the Accelerated Placement Act, and more equitable access to gifted and talented programs—participation rates are not uniform across the state, and there are far too many stakeholders unaware of how to leverage the flexibilities afforded under current law and regulation.

Education leaders who embrace innovation and have, or are beginning to, take advantage of flexibility and support offered by the state, are better positioned to redesign education with students at the center, while identifying and advocating for policies that support next generation learning.

This guide is designed to identify and describe the types of flexibilities available within Illinois that can be leveraged by district and school education leaders to innovate.

Components of this guide include an overview of Illinois’ education landscape, the types of flexibilities available and a summary of how they can be utilized.



II. ILLINOIS' INNOVATION LANDSCAPE

State Support for Innovation

Illinois is no stranger to educational innovation. Anchored by the city of Chicago, Illinois has steadily developed itself as a hub of innovation activity in the Midwest; and included in that is K-12 school innovation.

MAJOR STATE INNOVATION MILESTONES

Through state-level leadership over the past decade, Illinois has taken steps that enable and support school innovation.

- 2010** ● Establishment of the [Innovation, Intervention, and Restructuring Task Force](#)² and [Instructional Mandates Task Force](#).³
- 2016** ● Illinois General Assembly passed laws designed to tailor education to the needs of individual students:
 - ▶ [The Competency-Based High School Graduation Requirements Pilot Program \(CBE Pilot Program\)](#), which allows districts to “replace current graduation requirements with a competency-based learning system.”⁴
 - ▶ [The Untapped Potential Act](#)⁵ seeks to increase the equity of gifted and talented education programs, and when fully implemented, will provide for a universal screener of giftedness using local norms.
- 2017** ● Illinois General Assembly passed the [Accelerated Placement Act](#), which allows for early entrance to Kindergarten and First Grade, as well as acceleration in a single subject or within a grade, and ultimately allows students to skip grades entirely should they demonstrate that ability.
 - Illinois General Assembly authorized waivers and modifications of School Code mandates and Administrative Rule requirements to stimulate innovation.
- 2018** ● Illinois General Assembly amended the CBE Pilot Program to allow district and partners to apply in collaboration.
- 2020** ● The COVID-19 pandemic necessitated that every school make an almost instant shift from “traditional” instruction and student support to “remote” instruction and student support.
 - State Board of Education [Emergency Rules](#) allow the State Superintendent to require the use of Remote Learning Days when exigent circumstances exist.⁶ While hardly any education leader has had the time to think of the COVID-19 response as an opportunity to innovate, this rule and other flexibilities already put in place by the state (pre-pandemic) have set the stage for district action.
- 2021** ● State Superintendent to submit CBE Pilot Program Report to the General Assembly.

Stretching back more than a decade, the Illinois General Assembly and State Board have taken steps to enable and even prioritize next generation learning. Meanwhile, at the local level, innovative practices and shifts in culture toward innovation appear to be emerging in a piecemeal fashion rather than as a product of a locally developed and embraced, comprehensive vision for next generation learning. To unleash the innovation potential of schools across Illinois, all stakeholders need to understand the landscape as it exists today, but also the possibilities of tomorrow.

Under Illinois' current law and regulatory structure, there are three primary flexibilities available:

AVAILABLE FLEXIBILITIES IN ILLINOIS



State Delegation of Authority

Take full advantage of local decision-making authority embedded in instructional program design requirements.



Request

Request a waiver from or modification of state mandates and rules, which may be requested specifically to support innovation.



Innovation Program Participation

Participation in several state-authorized programs may give additional flexibility for next generation learning.

Context Matters

Governance structures and styles, laws and policies, goals, and strategic priorities are all aspects of the education system that may support or hinder next generation learning efforts. Not surprisingly, the education system in Illinois is grounded in extensive requirements—state and federal, designed to strengthen accountability for results; close gaps that exist between groups of students on measures of academic, social and emotional growth; and support continuous improvement. There are also requirements that serve to protect the health and safety of students and staff; uphold civil rights; and more.

As these outcomes-focused policy priorities have taken root, state leaders in Illinois and nearly every other state have begun to chip away at some vestiges of 20th century system design that, today, act as barriers to innovation. Policies prescribing “seat time” and academic credit requirements are among those cited most often as being outdated.

The [Evidence-Based Funding for Student Success Act](#), signed into law on August 31, 2017, made sweeping changes to education funding in Illinois, including repeal of a requirement that an instructional day be at least five hours in length.⁷ In 2019, however, the 5-hour minimum instructional day was reinstated, but with some exceptions. Students who are enrolled in dual credit, those in supervised career development experiences, those participating in apprenticeships and those participating in blended learning programs are exempt. These exemptions seem to suggest that state leaders still recognize the need to expand authority for schools and school districts to provide additional learning opportunities beyond and in addition to the prescribed traditional classroom setting.⁸

State leaders in Illinois have had greater success in modernizing high school graduation requirements and the policies prescribing how districts and schools award credit. A local board must adopt an “organized plan for recording pupil progress and/or awarding credit, including credit for courses completed by correspondence, online, or from other external sources, that can be disseminated to other schools within the State.” In doing so, a board in a district with any of grades 9 through 12 may adopt a policy permitting a vocational and technical course to be substituted for a high school or graduation requirement.⁹



At present, there are several options authorized by the state for credit accumulation that are not tied to “seat time”:

- ▶ A local board may award credit for a student’s successful completion of a registered apprenticeship program;
- ▶ A local board with a high school is required to adopt a policy which “defines the board’s position with reference to the awarding of high school credit on the basis of local examinations to pupils who have achieved the necessary proficiencies through independent study...or for work taken in or from another institution.”¹⁰; and
- ▶ Through participation in the Competency-Based High School Graduation Requirements Pilot Program, a local board can determine how students will demonstrate mastery of all required competencies to earn credit.¹¹



III. USING FLEXIBILITY FOR INNOVATION

Ideally, state policies should provide education leaders with the flexibility and support they need to meet the needs of their local communities—including through innovative, next generation learning—and to achieve the goals states and schools have set for their students. There is opportunity for continuous improvement to support innovation within Illinois.

As districts and schools examine how to redesign and implement next generation learning efforts that reflect the needs of their students and contexts, engaging stakeholders to shape a revised education vision, including the steps and support required for the path forward is an important first step. After this is complete explore how the steps outlined below can support the redesign process.



1. MAXIMIZE LOCAL CONTROL: REVISIT INSTRUCTIONAL PROGRAM DESIGN

One of the state's most expansive delegations of authority requires a local board of education, working with parents, students, professional staff and community stakeholders, to determine the instructional program of the school district. Although state requirements might seem prescriptive, many of the mandates require local decision making regarding a range of program design and administration details.



2. AMP UP YOUR INNOVATION

Districts may elect to apply for participation in any of several programs that require and provide resources dedicated to the advancement of innovation.



3. DO NOT DISCOUNT THE POWER OF DEREGULATION

Even school districts that take full advantage of program design flexibility may determine that one or more state mandates are hindering work toward their next generation vision. One of the most powerful tools made available to school districts for innovation and other purposes is the ability to apply for the waiver and modification of State Board rules and School Code mandates.



FLEXIBILITY THROUGH

State Delegation of Authority

One of the state's most expansive delegations of authority requires a local board of education, working with parents, students, professional staff and community stakeholders, to determine the instructional program of the school district. In doing so the school board must work within requirements of the School Code and Administrative Rules, while taking advantage of opportunities for local decision making.


A local board can exercise significant discretion over many aspects of the district's instructional program, including the following:

Basic Curriculum

The basic curriculum, to be determined locally, must "include organized experiences that provide each student ample opportunity to achieve" the State Goals for Learning.¹⁴

MAXIMIZE LOCAL CONTROL — FLEXIBILITY THROUGH STATE DELEGATION OF AUTHORITY:

Virtually all aspects of curriculum design and the design of "organized experiences" are subject to local decision making.

 **DO NOT DISCOUNT DEREGULATION — FLEXIBILITY THROUGH REQUEST:** A district might request to have state mandates and requirements waived or modified to support its design preferences and goals for innovation. See [page 13](#) for information on the opportunity to request waivers and modifications.

Basic Standards

The School Code identifies several areas of "Basic Standards" which local boards must address. Among them, a district must: (1) maintain class schedules in the district's administrative office; (2) develop an "organized plan for recording pupil progress and/or awarding credit...";¹⁵ and (3) adopt and enforce "a policy on promotion as they deem necessary to ensure that students meet local goals and objectives and can perform at the expected grade level prior to promotion", as required by School Code.¹⁶


IT ALL STARTS WITH LOCAL CONTROL


State policies should provide local leaders with the flexibility and support they need to meet the needs of their local communities—including through innovative, next generation learning—and to achieve the goals states and schools have set for their students. The powers and duties of the State Board are quite narrowly defined and enumerated in Article 2 of the School Code.¹² They include the power and duty to make rules that are "necessary to carry into efficient and uniform effect all laws for establishing and maintaining free schools in the State. The State Board of Education may not adopt any rule or policy that alters the intent of the authorizing law or that supersedes federal or State law."¹³ Opportunities for local decision-making are both stated explicitly in state law and policy and implicit in that the powers and duties of school boards are not limited by statute.

MAXIMIZE LOCAL CONTROL — FLEXIBILITY THROUGH STATE DELEGATION OF AUTHORITY:

A district can exercise broad discretion in developing schedules, preparing calendars, calculating average daily attendance, and adopting policies and procedures for awarding credit, promoting students and more. This includes two significant areas of flexibility that can be used to support innovation:

- ▶ Local decision-making regarding whether to adopt a policy permitting a vocational and technical course to be substituted for a high school or graduation requirement; and
- ▶ Flexibility in the adoption of a policy which “defines the board’s position with reference to the awarding of high school credit on the basis of local examinations to pupils who have achieved the necessary proficiencies through independent study...or for work taken in or from another institution.”¹⁷

 **DO NOT DISCOUNT DEREGULATION — FLEXIBILITY THROUGH REQUEST:** A district might request to have state mandates and requirements waived or modified to support its design preferences and policies, as described above. See [page 13](#) for information on the opportunity to request waivers and modifications.

 **EMERGENCY FLEXIBILITY:** Under a [notice of emergency action](#) published in the Illinois Register on May 8, 2020, “for the duration of the mandated suspension of in-person instruction pursuant to Executive Order 2020-05, as extended by 2020-18, and for the duration of the Gubernatorial Disaster Proclamations, Section 10-19 of the School Code [105 ILCS 5] is suspended and the rules addressing the minimum requirements of the school calendar and school day, “Remote Learning Days”, and “Remote Learning Planning Days”, 23 Ill. Adm. Code 5, supersedes this subsection (f)...”¹⁸


Instructional Programs


The state has delegated significant decision-making authority to local boards regarding a district’s participation in and design of the instructional program, including the following:


- ▶ **Work Experience and Career Exploration.** A district must provide students with “opportunities to prepare themselves for entry into the world of work.” In doing so, the district must “initiate a Career Awareness and Exploration Program” and make it available at all grade levels.¹⁹
- ▶ **Gifted Education Program.** A local district may receive state funding for the administration of a program for gifted and talented children, designed and administered in accordance with state requirements.²⁰
- ▶ **Accelerated Placement.** A local district must have a policy that allows for accelerated placement and indicates the approaches used to identify students for accelerated placement in both kindergarten and first grade.²¹
- ▶ **Summer Bridges Program.** Any student determined not to qualify for promotion, based on the local board’s student promotion policy, must be “be provided remedial assistance, which may include, but shall not be limited to, a summer bridge program of no less than 90 hours, tutorial sessions, increased or concentrated instructional time, modifications to instructional materials, and retention in grade.”²²
- ▶ **Truants’ Alternative and Optional Education Programs.** ISBE may award grants to local school districts, educational service regions or community colleges to enable them to establish Truants’ Alternative and Optional Education Programs to “offer modified instructional programs or other services designed to prevent students from dropping out of school...and to serve as a part time or full time option in lieu of regular school attendance.”²³ Programs are optional and may be established by school board policy in accordance with Administrative Rule.



- ▶ **E-Learning Days Program.** A local school board may adopt one or more research-based programs for e-learning days, in accordance with requirements established in statute. In administering an E-Learning Days Program, a district must “*permit student instruction to be received electronically while students are not physically present in lieu of the district’s scheduled emergency days...*”²⁴
- ▶ **Remote Educational Program.** Under flexibility authorized by the School Code, a school district may adopt a policy regarding remote education programs and, pursuant to such policy, may determine, along with a person authorized to enroll the student, that a remote educational program will best serve the student’s individual learning needs.²⁵
- ▶ **Illinois Global Scholar Certificate Program.** A district may elect to establish a program “*to recognize public high school graduates who have attained global competence, sufficient for meaningful use in college and career, by designating on a student’s transcript and high school diploma*” the student’s receipt of the certificate.²⁶
- ▶ **College and Career Pathway Endorsement.** A district, at its discretion, may award College and Career Pathway Endorsements to high school graduates who have completed an individualized learning plan, a career-focused instructional sequence and professional learning opportunities.²⁷

 **MAXIMIZE LOCAL CONTROL — FLEXIBILITY THROUGH STATE DELEGATION OF AUTHORITY:** A district can exercise broad discretion in designing and administering many aspects of the programs and policies described above.

 **DO NOT DISCOUNT DEREGULATION — FLEXIBILITY THROUGH REQUEST:** A district might request to have state mandates and requirements waived or modified to support its design preferences and goals for innovation. See [page 13](#) for information on the opportunity to request waivers and modifications.

 **EMERGENCY FLEXIBILITY:** The COVID-19 pandemic in early 2020 required immediate changes to education, including changes to the delivery of classes, flexibility in rules and regulations, and waivers of federal requirements, including the following:

- ▶ An [Emergency Amendment](#) in March 2020 authorizes the State Superintendent to declare a requirement to use Remote Learning Days for a district, multiple districts, a region or the entire state.²⁸
- ▶ An [Executive Order](#) in March 2020 suspended all state assessments and created Remote Learning Days and Remote Learning Plan Days.²⁹
- ▶ [Executive Order 2020-31](#) from April 2020 allowed for waivers from the School Code, for example by suspending requirements for certain assessments and courses for 12th grade students. This order also allowed for the suspension of the School Code section requiring 8th grade students to demonstrate evidence of having a comprehensive knowledge of the history of the U.S. as a prerequisite to 8th grade graduation.³⁰



FLEXIBILITY THROUGH

Innovation Program Participation

A local board may elect to apply for participation in any of several programs that require and provide resources dedicated to the advancement of innovation, highlighted below. In taking advantage of any of these opportunities, a local board and district might utilize other grants to support implementation of next generation learning, such as the Teacher Residency Planning Grant, Teacher Leadership Problems of Practice Grant, Annual Application for Vocational Education Funds and more.

Competency-Based High School Graduation Requirements Pilot Program

A school district, or a collaborative of districts and partners, may apply to ISBE to participate in the [Competency-Based High School Graduation Requirements Program](#) (CBE Pilot Program).³¹ As described in Administrative Rule,³² the CBE Pilot Program is part of the instructional program of a district.

AMP UP YOUR INNOVATION THROUGH INNOVATION PROGRAM PARTICIPATION:

Innovation is required. Program participants are to be provided career-oriented education through competency-based instruction. Participating districts and schools must replace some or all of the existing graduation requirements with a competency-based learning system. The flexibility afforded to local leaders in the design of a competency-based system is quite broad and extends to the scale of participation. A school district with fewer than 500,000 students may participate in the pilot for some or all of its schools, whereas a school district with more than 500,000 students may have only six of its schools participate in the program.

Design constraints are limited and include the following:

- ▶ Students must be able to earn credit toward graduation requirements in ways other than traditional coursework (i.e., learning opportunities outside the traditional classroom setting).
- ▶ If proposing to replace graduation requirements in math, English language arts and science with a competency-based system, the district must demonstrate “*how the competencies can be mastered through Integrated Courses or career and technical education courses.*”
 - » Note: The federal Carl D. Perkins Career and Technical Education (CTE) Improvement Act, known as Perkins V, permits Perkins program funding to be used to support innovative practices, such as competency-based education and distance learning.

MAXIMIZE LOCAL CONTROL — FLEXIBILITY THROUGH STATE DELEGATION OF

AUTHORITY: To be considered for participation in the CBE Pilot Program, a “*local board must submit an application to ISBE which describes, among other things: (1) the innovative features for student success that will be addressed; (2) how students will demonstrate mastery of all required competencies to earn credit, as well as mastery of adaptive competencies; and (3) how, if needed to demonstrate mastery, students will receive more time and personalized instruction to demonstrate mastery. A district has broad discretion in designing a program which addresses all of these things.*”³³

DO NOT DISCOUNT DEREGULATION — FLEXIBILITY THROUGH REQUEST: A district’s application must include a request for any waivers of School Code mandates and Administrative Rule requirements necessary to implement the proposed program, along with information on the “intended impact of the flexibility requested in the plan.” See [page 13](#) for information on the opportunity to request waivers and modifications.

TWO PHASES OF CBE PILOT PROGRAM PARTICIPATION³⁴

PHASE 1: RFA & SELECTION PROCESS



PHASE 2: FULL DEVELOPMENT & IMPLEMENTATION OF PLAN



PHASE 1: RFA & SELECTION PROCESS

1. Determine Eligibility

Select year and course graduation requirement to be replaced with a competency-based learning system.

- ▶ If less than 500,000 students, some or all schools may participate.
- ▶ If more than 500,000 students, only six schools may participate.
- ▶ School districts may collaboratively apply.
- ▶ No state funding is associated with the application.

2. Submit Application to ISBE

Through statute and rules, the state has established a list of elements that must be included in a district’s competency-based learning system. For example, students must:

- ▶ Demonstrate mastery of all required competencies to earn credit.
- ▶ Demonstrate mastery of adaptive competencies defined by the school district in addition to academic competencies.
- ▶ Advance once they have demonstrated mastery and receive more time and personalized instruction, if needed, to demonstrate mastery.
- ▶ Have the ability to attain advanced postsecondary education and career-related competencies beyond those needed for graduation.
- ▶ Be assessed using multiple measures to determine mastery, usually requiring application of knowledge.
- ▶ Be able to earn credit toward graduation requirements in ways other than traditional coursework, including learning opportunities outside the traditional classroom setting (such as Supervised Career Development Experiences).



3. Review and Approval of Proposals

Must occur within 45 days following the close of the application period.

- ▶ School districts are evaluated on the strength of their local commitment, prior professional development, stakeholder engagement, quality of the proposed plan and diversity.
- ▶ The standing Planning and Implementation Committee will submit reports assessing the district's plan or implementation.

PHASE 2: FULL DEVELOPMENT AND IMPLEMENTATION OF A DETAILED PLAN

1. Implementation Plans

Once a site is chosen, the site must submit a "full implementation plan" to ISBE before direct CBE programs and services may be offered to students. The plan must address design, strategy and timeline for the pilot site, including:

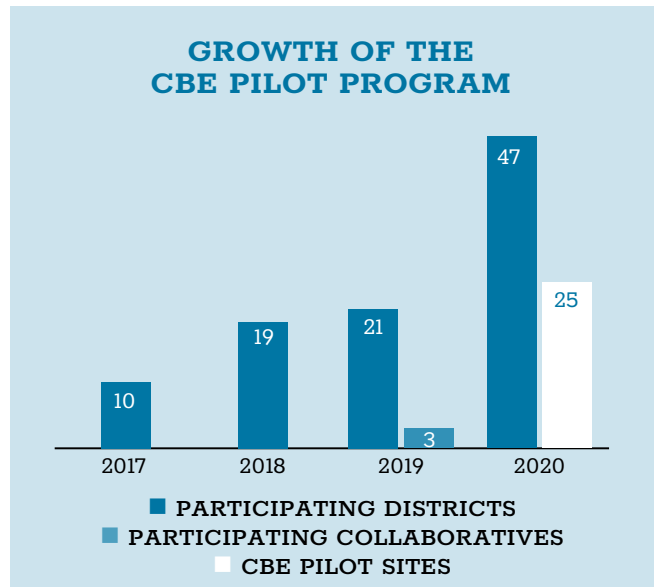
- ▶ List of schools participating in the CBE Pilot Program;
- ▶ CBE Pilot Program implementation strategy and timeline;
- ▶ Evaluation and data collection plan; and
- ▶ Annual evaluation and data collection report.

The Implementation Plan must also address how the site will monitor and evaluate the pilot and outline how to establish a system and timeline for collecting data to gauge student progress and benefits for students.

Pilot sites must submit an annual evaluation and data collection report to ISBE.

CBE PILOT PROGRAM TO DATE

The CBE Pilot Program has seen major success in terms of gaining active participation from public school districts around the state. In total, 25 sites, spread across 47 school districts, are participating in the program. Additionally, the current law is in pilot phase and is set to be reviewed for continuation or elimination during the 2021-2022 school year. Though as a whole, school districts have been slow to take advantage of the innovation opportunities and flexibility created by the state and participation has been concentrated in certain areas of the state.



Alternative Learning Opportunities Programs


Each school district is responsible for providing educational support for every student to meet Illinois Learning Standards. As part of its efforts to comply with this requirement, a district may elect to establish an Alternative Learning Opportunities Program designed to “provide students at risk of academic failure with education and support services needed to meet Illinois Learning Standards and to complete their education in an orderly, safe, and secure learning environment.”

AMP UP YOUR INNOVATION THROUGH INNOVATION PROGRAM PARTICIPATION:

Innovation is required. The program of instruction must “broaden the range of academic, behavioral and social/emotional interventions that schools provide in order to increase the academic performance of students who are determined to be at risk of academic failure, ...so that those students can meet State standards...and successfully complete their education.” It must be consistent with State standards and “provide innovative and varied instructional strategies designed to improve the educational achievement of the students enrolled in the program.”³⁵

MAXIMIZE LOCAL CONTROL — FLEXIBILITY THROUGH STATE DELEGATION OF AUTHORITY:

A district can exercise broad discretion in designing and administering many aspects of the programs. For example, the program must provide students with educational options designed or determined by the district (e.g., evening high school, in-school tutoring or mentoring and high school completion programs) to improve the students’ academic performance and facilitate the students’ successful completion of an elementary school program or graduation from high school.³⁶

 **DO NOT DISCOUNT DEREGULATION — FLEXIBILITY THROUGH REQUEST:** A district might request to have state mandates and requirements waived or modified to support its design preferences and goals for innovation. See [page 13](#) for information on the opportunity to request waivers and modifications.

Illinois Hope and Opportunity Pathways Through Education Program (IHOPE)


Chicago Public Schools and any regional office of education may develop a plan to offer an Illinois Hope and Opportunity Pathways Through Education Program and, if approved by ISBE, receive general State aid for program administration. Every approved program must be designed to “re-enroll high school dropouts in their respective regions of the State and provide instructional and other services to enable dropouts to meet the prerequisites to receiving a high school diploma...”³⁷

AMP UP YOUR INNOVATION THROUGH INNOVATION PROGRAM PARTICIPATION:

Innovation is required. The program must provide innovative and varied instructional strategies designed to facilitate the student’s receipt of a high school diploma.³⁸

MAXIMIZE LOCAL CONTROL — FLEXIBILITY THROUGH STATE DELEGATION OF AUTHORITY:

A district can exercise broad discretion in designing and administering many aspects of the programs. Administrative Rule requires the program to “provide innovative and varied instructional strategies.”³⁹

 **DO NOT DISCOUNT DEREGULATION — FLEXIBILITY THROUGH REQUEST:** A district may seek approval of a calendar that varies the length of the instructional day in accordance with conditions enumerated in Administrative Rule.⁴⁰



FLEXIBILITY THROUGH **Request**

Even schools and districts that take full advantage of opportunities may determine that one or more state mandates are hindering work toward their next generation vision. One of the most powerful tools made available to school districts for innovation and other purposes is the ability to apply for the waiver and modification of State Board Rules and School Code Mandates.

Waiver and Modification of Rules and Mandates

A district's or school's recognition status is based on compliance with the state's requirements for its operation, including but not limited to the recognition standards established by ISBE. In accordance with School Code⁴¹ and Administrative Rule,⁴² however, a school district (either on its own or as part of a joint agreement made up of school districts) may petition for approval of the following:

- ▶ Waivers or modifications of State Board of Education rules; and
- ▶ Waivers or modifications of School Code mandates.

An applicant may petition for approval of waivers or modifications in order to:

- ▶ Stimulate innovation;
- ▶ Improve student performance; or
- ▶ Meet the intent of the rule or mandate in a more effective, efficient or economical manner.

If the petition is made to stimulate innovation or improve student performance, it must include a plan for improved student performance and school improvement with a description of how the applicant will determine success in the stimulation of innovation or the improvement of student performance.

EXCLUSIONS: RULES AND MANDATES THAT CANNOT BE WAIVED OR MODIFIED

- ▶ **Rules or mandates implementing compliance with the federal Every Student Succeeds Act (ESSA) or the state's ESSA plan**
- ▶ **Mandates on the use of student performance data and performance categories for teacher and principal evaluations**
- ▶ **Mandates regarding county school units contained in Section 5-1 of the School Code (e.g., requirements for the withdrawal of a school district from the jurisdiction and authority of the trustees of schools of the township in which such school district is located)**
- ▶ **Mandates regarding eligible voters contained in Section 5-2.1 of the School Code, including but not limited to the requirement that "persons who are qualified to vote in school elections shall be eligible to vote for the trustees of schools of schools who have jurisdiction over the elementary school district in which the person resides"**

Three Steps To Flexibility By Request⁴³



Submission
of Application
for Waiver or
Modification



Approval of
the Waiver or
Modification



Role of General
Assembly

1. SUBMISSION OF APPLICATION FOR WAIVER OR MODIFICATION

Each district applicant must hold a public hearing regarding the proposed application for waiver or modification.

The application, to be submitted on a form provided by ISBE, must include the following:

- ▶ Identification of the rules or mandates involved.
- ▶ Identification as to the specific waivers and/or modifications sought.
- ▶ Identification as to whether the request is for an initial waiver or modification or for the renewal of a previously approved request.
- ▶ A narrative description for those requests based upon meeting the intent of the rule or mandate in a more effective, efficient or economical manner.
- ▶ 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.
- ▶ The time period for which the waiver or modification is sought.
- ▶ A description of the public hearing held to take testimony about the request from educators, parents and students.



An application must be submitted within 15 days following the local governing board's approval.

2. APPROVAL OF THE WAIVER OR MODIFICATION

Applications are deemed approved and effective 46 calendar days after the date of receipt by the State Board of Education unless disapproved in writing.

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

- ▶ Is not based upon sound educational practices;
- ▶ Endangers the health or safety of students or staff;
- ▶ Compromises equal opportunities for learning; or
- ▶ 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.

Applicants may appeal the denial of a request within 30 calendar days after receipt of the denial letter to the General Assembly.

An approved waiver or modification may remain in effect for not more than five school years and may be renewed upon application.

3. ROLE OF GENERAL ASSEMBLY

After submission to ISBE, a request for a waiver from mandates in the School Code will be compiled in reports to be filed with the Illinois General Assembly and reviewed by a panel of four members. Within 14 days, the panel will conclude its review and notify ISBE of any further consideration that must be given to a waiver request.

- ▶ If three or more of the panel members submit a notice of further consideration to any waiver request, ISBE shall submit the waiver request to the General Assembly for consideration.
- ▶ If less than three 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 ISBE does not act on a waiver request within 10 days, then the waiver request is approved.
- ▶ If the waiver request is denied by ISBE, it shall submit the waiver request to the General Assembly for consideration.





IV. SUGGESTED NEXT STEPS

The foundational understanding of the types of education flexibilities Illinois offers should be an empowering tool for education redesign. Advocating for the flexibilities that are available that are impactful and identifying where the barriers still exist and then communicating to state leadership and policymakers is critical to paving the way to moving the innovation landscape needle within Illinois.

Consider these steps as you embark on designing innovative, next generation learning systems that meet the unique needs of your students and communities:

I. Establish a district or school vision and goals for next generation learning, considering the state's strategic education vision and goals.

- ▶ Engage a broad range of stakeholders across the system to gather input and to build support. This should include administrators, teachers, parents/guardians, students and community members.
- ▶ Prioritize creating avenues to involve historically marginalized students, families and community members.
- ▶ Consider developing a portrait of a graduate for your school or district that outlines the learning qualities your graduates will achieve once your vision and goals are implemented.
- ▶ Identify instructional, curricular and classroom assessment strategies that will be necessary to support the vision.

2. Evaluate the key components of your vision against your current reality to identify potential implementation barriers. Then utilize this guide to identify how the available flexibilities can help remove the barriers.

- ▶ Flexibility requests should stem from your vision and goals for students, not simply requirements you may find burdensome. Focus on those policy requirements that may actually preclude you from taking steps to achieve your vision.
- ▶ Review the guidance in this document to understand the steps needed to access each of the three types of flexibility made available:
 - » Flexibility through the State's Delegation of Authority
 - » Flexibility through Innovation Program Participation
 - » Flexibility through Request

3. Identify the data you will need to collect to determine the impact of the flexibilities you are utilizing.

- ▶ Share with your stakeholders in order to establish metrics for success.
- ▶ Eventually, be ready to share these data — positive or otherwise — to continue your refinement process.

4. Provide feedback to state education leadership and policymakers regarding the barriers that still exist and additional flexibilities that could be provided to support your efforts.

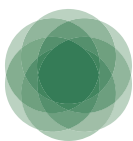
- ▶ Communicating the impact of the utilized flexibilities and barriers that still exist to practitioners, administrators and policymakers will help determine whether exemptions from laws and regulations have had a positive impact on innovation. With this information, stakeholders can work together to make needed changes.



Endnotes

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- 3 Illinois State Board of Education. Instructional Mandates Task Force. https://www.isbe.net/Documents/instructional_mandates_list.pdf
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- 13 105 ILCS 5/2-3.6 Rules and Policies. <https://www.ilga.gov/legislation/ilcs/ilcs4.asp?ActID=1005&ChapterID=17&SeqStart=11200000&SeqEnd=29300000>
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