

Education Flexibility **INVENTORY**

A Supplementary Resource
to the Illinois Education
Flexibility Guide for District
and School Leaders



Introduction

This Education Flexibility Inventory was created during the development of *Building Resilient School Systems in Illinois: An Education Flexibility Guide for District and School Leaders*. It is designed to highlight and summarize areas of Illinois’s School Code and the Administrative Rules of the Illinois State Board of Education that can be used by local boards of education for innovation.

Under current law and policy, there are three primary tools available to local boards of education that are looking for flexibility:



1. Flexibility through State Delegation of Authority

Take full advantage of the local-decision-making authority embedded within the state’s instructional program design requirements, including through participation in programs specifically authorized to support district innovation;



2. Flexibility through Innovation Program Participation

Participation in several state-authorized programs may be given additional flexibility for next generation learning; and



3. Flexibility through Request

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

❁ Part I. Flexibility through State Delegation of Authority – Instructional Program

1 Determination of the Curriculum and Basic Standards	
Flexibility Opportunity with Administrative Rule and Statutory Citations	Highlights of Flexibility
<p>Administrative Code</p> <ul style="list-style-type: none"> 23 Ill. Admin. Code Section 1.410. Determination of the Instructional Program 23 Ill. Admin. Code Section 1.420. Basic Standards 23 Ill. Admin. Code Section 1.445. Required Course Substitute 23 Ill. Admin. Code Section 1.460. Credit Earned Through Proficiency Examinations <p>Legislative Code</p> <ul style="list-style-type: none"> 105 ILCS 5/10-19. Length of School Term - Experimental Programs 105 ILCS 5/10-19.05. Daily Pupil Attendance Calculation 105 ILCS 5/10-20.9a. Final grade; promotion 105 ILCS 5/27-22.05. Required Course Substitute <p>Additional Resources</p> <ul style="list-style-type: none"> ISBE. Seat Time - Memo re: Definition of an Instructional Day (2018) ISBE. Public Act 101-0012. What You Need to Know About the Changes to Instructional Days 	<p>Scope of Flexibility</p> <ul style="list-style-type: none"> Local decision-making regarding program many aspects of design and curriculum development, within requirements established in Administrative Code. Subject to waiver and modification as described in Part III. <p>Overview</p> <p>A local board of education is responsible for determining the instructional program of a school district, including ensuring that the program meets requirements established in the School Code and Administrative rules.</p> <p>The basic curriculum (also to be determined locally) must “include organized experiences that provide each student ample opportunity to achieve” the State Goals for Learning. [23 Ill. Admin. Code Section 1.410. Determination of the Instructional Program]</p> <p>Requirements described as Basic Standards in Administrative Rule include:</p> <ul style="list-style-type: none"> A board must observe School Code requirements [105 ILCS 5/10-19. Length of School Term] when preparing calendars and calculating average daily attendance. Developing an “organized plan for recording pupil progress and/or awarding credit, including credit for courses completed by correspondence, on line, or from other external sources, that can be disseminated to other schools within the State.” <ul style="list-style-type: none"> A school 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. [23 Ill. Admin. Code Section 1.445. Required Course Substitute] 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.” [23 Ill. Admin. Code Section 1.460. Credit Earned Through Proficiency Examinations]

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	<ul style="list-style-type: none"> ○ State statute addressing the daily pupil attendance calculator allows the following to be counted toward the calculation of clock hours of school work per day: <ul style="list-style-type: none"> ▪ <i>“Instruction in a college course in which a student is dually enrolled for both high school credit and college credit.”</i> ▪ <i>“Participation in a Supervised Career Development Experience ... in which student participation and learning outcomes are supervised”</i> by a licensed educator. ▪ <i>“Participation in a youth apprenticeship, as jointly defined in rules of the State Board of Education and Department of Commerce and Economic Opportunity, in which student participation and outcomes are supervised”</i> by a licensed educator. [105 ILCS 5/10-19.05. Daily Pupil Attendance Calculation] ● Adopting and enforcing <i>“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”</i>, as required by School Code. [105 ILCS 5/10-20.9a. Final grade; Promotion] ● Providing students with <i>“opportunities to prepare themselves for entry into the world of work.”</i> In doing so, the district must <i>“initiate a Career Awareness and Exploration Program”</i> and make it available at all grade levels. <p>Example</p> <ul style="list-style-type: none"> ● Plainfield School District 202. The school board of Plainfield School District 202 has adopted a High School Credit for Proficiency Policy (Policy 6:320) allowing a student who demonstrates competency under the district’s program for granting credit for proficiency to receive course credit and be excused from any requirement to take the course as a graduation prerequisite.

2 Local Decision-Making Regarding Instructional Design; Programs Offering Additional Flexibility

Flexibility Opportunity with Administrative Rule and Statutory Citations	Highlights of Flexibility
<p>Administrative Code</p> <ul style="list-style-type: none"> 23 Ill. Admin. Code Part 232. Summer Bridges Program 23 Ill. Admin. Code Part 205. Truants' Alternative and Optional Education Programs 23 Ill. Admin. Code Section 1.443. Illinois Global Scholar Certificate <p>Legislative Code</p> <ul style="list-style-type: none"> 105 ILCS 5/2-3.66a. WECE Program 105 ILCS 5/14A. Gifted and Talented Children And Children Eligible For Accelerated Placement 105 ILCS 5/10-20.9a. Final Grade; Promotion 105 ILCS 5/2-3.66. Truants' alternative and optional education programs E-Learning Days. Public Act 101-0012 101st General Assembly. Illinois (2018-2019). Public Act 101-0012 105 ILCS 5/10-20.56. E-Learning Days 105 ILCS 5/10-29. Remote Educational Programs 105 ILCS 5/2-3.169. State Global Scholar Certification 	<p>Scope of Flexibility</p> <ul style="list-style-type: none"> Local decision-making regarding program participation and design, within requirements established in legislative code and board rule. Subject to waiver and modification as described in Part III. <p>Overview</p> <p>Each of the following programs and provisions afford local boards additional opportunities to take advantage of flexibility, including local decision making regarding program design and/or policies.</p> <ul style="list-style-type: none"> Work Experience and Career Exploration Program (WECE) is designed to help academically disadvantaged students. Participating districts must <i>“provide school credit for successful completion of the class and paid work experience.”</i> [105 ILCS 5/2-3.66a. WECE program.] Gifted Education Program - The General Assembly established that school districts <i>“shall continue to have the authority and flexibility to design education programs for gifted and talented children in response to community needs”</i> but any such program must comply with School Code requirements for local gifted education programs. A local district may be approved for funding on the basis of an application submitted in response to the State Board’s request for proposals. [105 ILCS 5/14A. Gifted and Talented Children and Children Eligible for Accelerated Placement] Accelerated Placement - <i>“Each school district shall have a policy that allows for accelerated placement...in writing its policy, each school district shall indicate approaches used to identify students for accelerated placement in both kindergarten and first grade.</i> [23 Ill. Admin. Code Section 227.60. Accelerated Placement] Summer Bridges Program - Any student determined not to qualify for promotion, based on the local board’s student promotion policy, must be <i>“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.”</i> [23 Ill. Admin. Code Part 232. Summer Bridges Program] Truants’ Alternative and Optional Education Programs - The General Assembly established that grants may be awarded to local school districts, educational service regions, or community colleges to enable

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<ul style="list-style-type: none"> 110 ILCS 148/80. College and Career Pathway Endorsements <p>Additional Resources</p> <ul style="list-style-type: none"> ISBE. College and Career Pathway Endorsement ISBE. Illinois Truants' Alternative and Optional Education Program Directory ISBE. Case Studies in School Improvement: Districts Find E-Learning Effective on Days of Non-Attendance ISBE. College and Career Pathway Endorsements (CCPEs) and Competency Mapping Process ISBE. E-Learning ISBE. Districts Find E-Learning Effective on Days of Non-Attendance Global Illinois. Home of the Global Illinois Scholar Certificate 	<p>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". [105 ILCS 5/2-3.66. Truants' Alternative and Optional Education Programs] Programs are optional and may be established by school board policy in accordance with Administrative Rule.</p> <ul style="list-style-type: none"> E-Learning Days Program - A local school board may adopt one or more research-based program for e-learning days and may implement the program district-wide, in accordance with requirements established in statute. In administering an E-Learning Days program, a district must <i>"permit student instruction to be received electronically while students are not physically present in lieu of the district's scheduled emergency days..."</i> [105 ILCS 5/10-20.56. E-Learning Days] 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. [105 ILCS 5/10-29. Remote Educational Programs] Illinois Global Scholar Certificate Program - A district may elect to establish a program <i>"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"</i> the student's receipt of the certificate. [23 Ill. Admin. Code Section 1.443. Illinois Global Scholar Certificate] 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. <p>Examples</p> <ul style="list-style-type: none"> Jo Daviess Carroll CTE Academy (Work Experience and Career Exploration Program). Programs include automotive technology, computer networking and security, construction trades, cooperative education, early childhood development, graphic communications, health occupations, and law enforcement & criminal justice. Lake Forest Community High School District 115 (Gifted Education Program). The vision of this district is of an <i>"innovative learning community that educates without boundaries - where all students cultivate their</i>

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	<p><i>minds, create enduring connections and discover their passions.”</i> In response to the needs of gifted children, the district provides a differentiated curriculum to enrich and accelerate, where possible. Teachers in this district utilize differentiation strategies through inclusive lesson design; collaborative teaching models; project-based learning and inquiry-based learning; student choice; student-directed learning tasks; research and independent projects of interest; and subject, unit, or grade acceleration.</p> <ul style="list-style-type: none"> • Waukegan Community Unit School District #60 (Summer Bridges Program). Waukegan Community Unit School District #60 offers the Summer S.T.A.R.S. Program for elementary, middle, and high school students and includes creative activities, field trips, and college tours and it is free to 50 families. • Granite City CUSD #9 Evening Academy (Truants’ Alternative and Optional Education Program). The Granite City School District offers an alternative education program for students who are at risk of dropping out of high school. • Leyden High School District 212 (E-Learning Days Program). Leyden High School District 212, an early participant in ISBE’s E-Learning Days Pilot Program, continues to utilize the state’s E-Learning Days flexibility, and is using the school’s learning management system (LMS) to develop an independent fitness course at the school, and uses its LMS to provide e-learning resources and materials during Remote Learning Days declared due to the COVID-19 pandemic. • Naperville School District 203 (Illinois Global Scholar Certificate Program). Students participating in this district’s Global Scholar Certificate Programs must, among other things, investigate and take action to improve a global concern.



Part II. Flexibility Through Innovation Program Participation

3 Flexibility through the Competency-Based High School Graduation Requirements Pilot Program	
Flexibility Opportunity with Administrative Rule and Statutory Citations	Highlights of Flexibility
<p>Administrative Code</p> <ul style="list-style-type: none"> 23 Ill. Admin. Code Section 1.423. Competency-Based High School Graduation Requirements Pilot Program <p>Legislative Code</p> <ul style="list-style-type: none"> 110 ILCS 148/20. Competency-Based, High School Graduation Requirements Pilot Program <p>Additional Resources</p> <ul style="list-style-type: none"> Charleston CUSD 1. Graduate Profile Work is Under Way ISBE. Competency-Based Education Graduation Pilot – Phase II. Competency-Based Education Implementation Plan Illinois Learner Competencies Working Group. Developing Learner Competencies for Use in a Competency-Based Education System (September 2018) 	<p>Scope of Flexibility</p> <ul style="list-style-type: none"> Local decision-making regarding participation and program design (including <i>“innovative features for student success that will be addressed”</i>) within requirements established in legislative code and board rule. [23 Ill. Admin. Code Section 1.423. Competency-Based High School Graduation Requirements Pilot Program; 110 ILCS 148/20. Competency-Based, High School Graduation Requirements Pilot Program] Subject to waiver and modification as described in Part III. <p>Overview</p> <p>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 established by the General Assembly in the Postsecondary and Workforce Readiness Act. [110 ILCS 148/20. Competency-Based, High School Graduation Requirements Pilot Program] Administrative Rule [23 Ill. Admin. Code 1.423. Competency-Based High School Graduation Requirements Pilot Program] establishes additional requirements, including that, among other things, the applicant must: (1) Describe the CBE Pilot Program’s vision and goals; (2) Describe the <i>“innovative features for student success that will be addressed”</i>; and (3) <i>“Indicate the intended impact of the flexibility requested in the plan.”</i></p> <p>Examples</p> <ul style="list-style-type: none"> Charleston CUSD 300. Early this year, Charleston CUSD 300 established a partnership with Eastern Illinois University to enhance competency-based learning approaches and outcomes. The partnership is working to create a “Graduate Profile” which will specify the academic, personal, and interpersonal skills students will need when they graduate from high school. Chicago Public School District #299. Chicago Public School District #299 has created a program focused on developing standards and assessment tools; expanding specialized education pathways, including dual credit and vocational training programs; adapting evaluation measures in conjunction with stakeholders; and developing data-based best practices.

4 Alternative Learning Opportunities Programs	
Flexibility Opportunity with Administrative Rule and Statutory Citations	Highlights of Flexibility
<p>Administrative Code</p> <ul style="list-style-type: none"> 23 Ill. Admin. Code Part 240. Alternative Learning Opportunities Program <p>Legislative Code</p> <ul style="list-style-type: none"> 105 ILCS 5/13B. Alternative Learning Opportunities <p>Additional Resources</p> <ul style="list-style-type: none"> ISBE. Alternative Learning Opportunities Programs (ALOP) ISBE. FY 2021 Application for New and Continuing Program Approval (33-94) (updated June 2, 2020) 	<p>Scope of Flexibility</p> <ul style="list-style-type: none"> Local decision-making regarding program design, within requirements established in legislative code and board rule. “Services and activities may be in addition to and/or vary in sequence, pace, or mode of delivery from what is currently offered in the regular school program.” [23 Ill. Admin. Code Part 240. Alternative Learning Opportunities Program]. Administrative Rule enumerates the conditions under which a “<i>calendar that varies in the number of days or length of the instructional day</i>” is to be approved. Not subject to waiver and modification as described in Part III. <p>Overview</p> <p>A school district may operate alternative learning opportunities programs “<i>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.</i>” [105 ILCS 5/13B. Alternative Learning Opportunities]</p> <p>Administrative Code [23 Ill. Admin. Code Part 240. Alternative Learning Opportunities Program] establishes that the “program of instruction must be consistent with State standards and “<i>provide innovative and varied instructional strategies designed to improve the educational achievement of the students enrolled in the program.</i>”</p> <p>Example</p> <ul style="list-style-type: none"> DuPage Regional Office of Education. Every student participating in ALOP Dupage has an individualized success plan with strong emotional skills support, along with access to a range of instructional and support opportunities (e.g., credit attainment through engaging virtual instruction and meaningful direct instruction, high school equivalency programming, smaller learning communities, life and work readiness skills, college/career planning and counseling).

5 Illinois Hope and Opportunity Pathways Through Education Program (IHOPE)	
Flexibility Opportunity with Administrative Rule and Statutory Citations	Highlights of Flexibility
<p>Administrative Code</p> <ul style="list-style-type: none"> 23 Ill. Admin. Code Part 210. Illinois Hope and Opportunity Pathways Through Education Program <p>Legislative Code</p> <ul style="list-style-type: none"> 105 ILCS 5/2-3.66b. IHOPE Program 	<p>Scope of Flexibility</p> <ul style="list-style-type: none"> Local decision-making regarding program participation and design, within requirements established in legislative code and board rule. Subject to waiver and modification as described in Part III. Subject to appropriations, the program awards grants to educational service regions and “a school district organized under Article 34 of this Code...to assist in establishing instructional programs and other services designed to re-enroll high school dropouts.” <p>Overview</p> <p>The General Assembly established, and directed ISBE to administer the Illinois Hope and Opportunity Pathways through Education (IHOPE) Program, with the goal of developing “a comprehensive system...to re-enroll significant numbers of high school dropouts in programs that will enable them to earn their high school diploma.” IHOPE categories of programming may include: “(1) Full-time programs that are comprehensive, year-round programs. (2) Part-time programs combining work and study scheduled at various times that are flexible to the needs of students. (3) Online programs and courses in which students take courses and complete on-site, supervised tests that measure the student’s mastery of a specific course... and (4) Dual enrollment in which students attend high school classes in combination with community college classes or students attend community college classes while simultaneously earning high school credit and eventually a high school diploma.” [105 ILCS 5/2-3.66b. IHOPE Program.]</p>

Part III. Flexibility through Request

6 Waiver and Modification of Rules and Mandates	
Flexibility Opportunity with Administrative Rule and Statutory Citations	Highlights of Flexibility
<p>Administrative Code</p> <ul style="list-style-type: none"> 23 Ill. Admin. Code Section 1.100. Waiver and Modification of State Board Rules and School Code Mandates <p>Legislative Code</p> <ul style="list-style-type: none"> 105 ILCS 5/3-25g. Waiver or Modification of Mandates Within the School Code and Administrative Rules and Regulations <p>Waiver Reports</p> <ul style="list-style-type: none"> Fall 2017 Waiver Report Spring 2018 Waiver Reports Fall 2018 Waiver Report Spring 2019 Waiver Report Fall 2019 Waiver Report Spring 2020 Waiver Report <p>Additional Resources</p> <ul style="list-style-type: none"> ISBE. Application for Waiver or Modification of State Board Rules and/or School Code Mandates 	<p>Scope of Flexibility</p> <ul style="list-style-type: none"> Allows for waiver or modification of a wide array of rules and mandates; areas excluded from waiver or modification are clearly enumerated. “Waiver” is defined in Administrative Rule to mean a petition to discontinue the implementation of a mandate. “Modification” means a petition to partially implement a mandate. [23 Ill. Admin. Code Section 1.100. Waiver and Modification of State Board Rules and School Code Mandates] 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. <p>Overview</p> <p>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. However, in accordance with School Code [105 ILCS 5/3-25g. Waiver or Modification of Mandates Within the School Code and Administrative Rules and Regulations] and Administrative Rule [23 Ill. Admin. Code Section 1.100. Waiver and Modification of State Board Rules and School Code Mandates], a school district (either on its own or as part of a joint agreement made up of school districts) may petition for approval of:</p> <ul style="list-style-type: none"> Waivers or modifications of State Board of Education rules; and Waivers or modifications of School Code mandates. <p>An applicant may petition for approval of waivers or modifications to:</p> <ul style="list-style-type: none"> Stimulate innovation; Improve student performance; or Meet the intent of the rule or mandate in a more effective, efficient or economical manner.

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	<p>Exclusions: Rules and Mandates that <u>Cannot</u> Be Waived or Modified</p> <ul style="list-style-type: none"> • 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; and • Mandates regarding eligible voters contained in Section 5-2.1 of the School Code, including but not limited to the requirement that <i>“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.”</i>