**Section 1.110 Appeal Process under Section 22-60 of the School Code**

Section 22-60 of the School Code [105 ILCS 5/22-60] authorizes regional superintendents of schools to grant exemptions from certain mandates contained in the School Code [105 ILCS 5] or in administrative rules of the State Board of Education. Any decision of the regional superintendent regarding a school district's or private school's request for an exemption may be appealed to the State Superintendent by the school district, the private school or a resident of the district. For the purposes of this Section, references to "regional superintendent" shall be understood to include the intermediate service centers established in that portion of Cook County located outside of the City of Chicago.

a) A school district, private school or resident wishing to appeal the decision of the regional superintendent to deny or approve an exemption request may do so by sending a written appeal on or before April 15 by certified mail to the Illinois State Board of Education, Public School Recognition Division, 100 West Randolph Street, Suite 14-300, Chicago, Illinois 60601 or by email to mandateappeal@isbe.net. The written appeal shall include:

1) the date the regional office of education acted on the exemption request;

2) a copy of the original request that includes the citation of the rule or School Code section involved;

3) a copy of the regional superintendent's decision to grant or deny the request;

4) a narrative explanation of the petitioner's objections to the regional superintendent's decision (not to exceed two pages), along with any documentation that directly supports the argument being made; and

5) the name, address, telephone number and contact person of the school district or private school submitting the appeal, or the name, address and telephone number of the resident submitting the appeal.

b) The State Superintendent of Education shall provide written notice of the date, time, and location of the hearing to consider the appeal to the petitioner not less than 10 days before the hearing date. The notice shall be sent by certified mail, return receipt requested. Copies of the notice of hearing also shall be provided to the school district's regional superintendent of schools and, in the case of a resident's appeal, to the school district superintendent or private school administrator. Any hearing shall be held no later than May 15 of each year.

c) A petitioner may present oral testimony at the hearing, not to exceed 30 minutes. Any responses to the petitioner's testimony made by the school district, private school or regional superintendent of schools also shall be limited to no more than 30 minutes.

d) The State Superintendent of Education shall consider the net costs associated with the implementation of the mandate and other evidence of its financial impact presented by the school district or private school to determine if implementation or operation is cost-prohibitive. For purposes of this Section, "cost-prohibitive" means that the financial burden of implementing or operating the mandate is greater than the benefits to be received.

e) The State Superintendent shall inform the petitioner of his or her decision at the conclusion of the hearing. (See Section 22-60(b) of the School Code.) A written summary of the decision, including reasons for accepting or denying the appeal, shall be provided to each affected party no later than 10 calendar days after the hearing.

f) A school district, private school or regional superintendent of schools shall provide to a resident of the district, upon the resident's request, a copy of the original exemption request or a copy of the decision regarding the exemption request, along with the reason for the denial or approval, no later than 10 calendar days after the request has been made.

g) City of Chicago School District 299 or a private school located in the City of Chicago shall submit any request for an exemption from a statutory or regulatory mandate to the Division Supervisor of the Public School Recognition Division, 100 West Randolph Street, Suite 14-300, Chicago, Illinois 60601, within the timelines and in the format specified in Section 22-60 of the School Code.

1) The division supervisor shall schedule a public hearing to take testimony from the district and interested residents about the request.

2) A committee comprised of representatives from each department of the State Board of Education with a responsibility for the statutory or regulatory mandate shall review the request and the testimony provided at the public hearing. The committee shall recommend to the division supervisor whether the request should be granted, and the division supervisor shall send written notification of his or her decision to the district or private school on or before March 15, along with reasons why the exemption was granted or denied.

3) A public hearing conducted under this subsection (g) shall comply with the Open Meetings Act [5 ILCS 120].

4) The process for a school district, private school or resident to appeal a decision made pursuant to subsection (g)(2) of this Section shall be as provided in this Section.

(Source: Amended at 38 Ill. Reg. 6127, effective February 27, 2014)