



Rep. Barbara Flynn Currie

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1 AMENDMENT TO HOUSE BILL 1262

2 AMENDMENT NO. _____. Amend House Bill 1262 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Section
5 2-3.25g as follows:

6 (105 ILCS 5/2-3.25g) (from Ch. 122, par. 2-3.25g)
7 Sec. 2-3.25g. Waiver or modification of mandates within the
8 School Code and administrative rules and regulations.

9 (a) In this Section:

10 "Board" means a school board or the governing board or
11 administrative district, as the case may be, for a joint
12 agreement.

13 "Eligible applicant" means a school district, joint
14 agreement made up of school districts, or regional
15 superintendent of schools on behalf of schools and programs
16 operated by the regional office of education.

1 "Implementation date" has the meaning set forth in
2 Section 24A-2.5 of this Code.

3 "State Board" means the State Board of Education.

4 (b) Notwithstanding any other provisions of this School
5 Code or any other law of this State to the contrary, eligible
6 applicants may petition the State Board of Education for the
7 waiver or modification of the mandates of this School Code or
8 of the administrative rules and regulations promulgated by the
9 State Board of Education. Waivers or modifications of
10 administrative rules and regulations and modifications of
11 mandates of this School Code may be requested when an eligible
12 applicant demonstrates that it can address the intent of the
13 rule or mandate in a more effective, efficient, or economical
14 manner or when necessary to stimulate innovation or improve
15 student performance. Waivers of mandates of the School Code may
16 be requested when the waivers are necessary to stimulate
17 innovation or improve student performance or when the applicant
18 demonstrates that it can address the intent of the mandate of
19 the School Code in a more effective, efficient, or economical
20 manner. Waivers may not be requested from laws, rules, and
21 regulations pertaining to special education, teacher educator
22 licensure, teacher tenure and seniority, or Section 5-2.1 of
23 this Code or from compliance with the Every Student Succeeds
24 Act (Public Law 114-95). Eligible applicants may not seek a
25 waiver or seek a modification of a mandate regarding the
26 requirements for (i) student performance data to be a

1 significant factor in teacher or principal evaluations or (ii)
2 teachers and principals to be rated using the 4 categories of
3 "excellent", "proficient", "needs improvement", or
4 "unsatisfactory". On September 1, 2014, any previously
5 authorized waiver or modification from such requirements shall
6 terminate.

7 (c) Eligible applicants, as a matter of inherent managerial
8 policy, and any Independent Authority established under
9 Section 2-3.25f-5 of this Code may submit an application for a
10 waiver or modification authorized under this Section. Each
11 application must include a written request by the eligible
12 applicant or Independent Authority and must demonstrate that
13 the intent of the mandate can be addressed in a more effective,
14 efficient, or economical manner or be based upon a specific
15 plan for improved student performance and school improvement.
16 Any eligible applicant requesting a waiver or modification for
17 the reason that intent of the mandate can be addressed in a
18 more economical manner shall include in the application a
19 fiscal analysis showing current expenditures on the mandate and
20 projected savings resulting from the waiver or modification.
21 Applications and plans developed by eligible applicants must be
22 approved by the board or regional superintendent of schools
23 applying on behalf of schools or programs operated by the
24 regional office of education following a public hearing on the
25 application and plan and the opportunity for the board or
26 regional superintendent to hear testimony from staff directly

1 involved in its implementation, parents, and students. The time
2 period for such testimony shall be separate from the time
3 period established by the eligible applicant for public comment
4 on other matters.

5 (c-5) If the applicant is a school district, then the
6 district shall post information that sets forth the time, date,
7 place, and general subject matter of the public hearing on its
8 Internet website at least 14 days prior to the hearing. If the
9 district is requesting to increase the fee charged for driver
10 education authorized pursuant to Section 27-24.2 of this Code,
11 the website information shall include the proposed amount of
12 the fee the district will request. All school districts must
13 publish a notice of the public hearing at least 7 days prior to
14 the hearing in a newspaper of general circulation within the
15 school district that sets forth the time, date, place, and
16 general subject matter of the hearing. Districts requesting to
17 increase the fee charged for driver education shall include in
18 the published notice the proposed amount of the fee the
19 district will request. If the applicant is a joint agreement or
20 regional superintendent, then the joint agreement or regional
21 superintendent shall post information that sets forth the time,
22 date, place, and general subject matter of the public hearing
23 on its Internet website at least 14 days prior to the hearing.
24 If the joint agreement or regional superintendent is requesting
25 to increase the fee charged for driver education authorized
26 pursuant to Section 27-24.2 of this Code, the website

1 information shall include the proposed amount of the fee the
2 applicant will request. All joint agreements and regional
3 superintendents must publish a notice of the public hearing at
4 least 7 days prior to the hearing in a newspaper of general
5 circulation in each school district that is a member of the
6 joint agreement or that is served by the educational service
7 region that sets forth the time, date, place, and general
8 subject matter of the hearing, provided that a notice appearing
9 in a newspaper generally circulated in more than one school
10 district shall be deemed to fulfill this requirement with
11 respect to all of the affected districts. Joint agreements or
12 regional superintendents requesting to increase the fee
13 charged for driver education shall include in the published
14 notice the proposed amount of the fee the applicant will
15 request. The eligible applicant must notify in writing the
16 affected exclusive collective bargaining agent and those State
17 legislators representing the eligible applicant's territory of
18 its intent to seek approval of a waiver or modification and of
19 the hearing to be held to take testimony from staff. The
20 affected exclusive collective bargaining agents shall be
21 notified of such public hearing at least 7 days prior to the
22 date of the hearing and shall be allowed to attend such public
23 hearing. The eligible applicant shall attest to compliance with
24 all of the notification and procedural requirements set forth
25 in this Section.

26 (d) A request for a waiver or modification of

1 administrative rules and regulations or for a modification of
2 mandates contained in this School Code shall be submitted to
3 the State Board of Education within 15 days after approval by
4 the board or regional superintendent of schools. The
5 application as submitted to the State Board of Education shall
6 include a description of the public hearing. Following receipt
7 of the waiver or modification request, the State Board shall
8 have 45 days to review the application and request. If the
9 State Board fails to disapprove the application within that 45
10 day period, the waiver or modification shall be deemed granted.
11 The State Board may disapprove any request if it is not based
12 upon sound educational practices, endangers the health or
13 safety of students or staff, compromises equal opportunities
14 for learning, or fails to demonstrate that the intent of the
15 rule or mandate can be addressed in a more effective,
16 efficient, or economical manner or have improved student
17 performance as a primary goal. Any request disapproved by the
18 State Board may be appealed to the General Assembly by the
19 eligible applicant as outlined in this Section.

20 A request for a waiver from mandates contained in this
21 School Code shall be submitted to the State Board within 15
22 days after approval by the board or regional superintendent of
23 schools. The application as submitted to the State Board of
24 Education shall include a description of the public hearing.
25 The description shall include, but need not be limited to, the
26 means of notice, the number of people in attendance, the number

1 of people who spoke as proponents or opponents of the waiver, a
2 brief description of their comments, and whether there were any
3 written statements submitted. The State Board shall review the
4 applications and requests for completeness and shall compile
5 the requests in reports to be filed with the General Assembly.
6 The State Board shall file reports outlining the waivers
7 requested by eligible applicants and appeals by eligible
8 applicants of requests disapproved by the State Board with the
9 Senate and the House of Representatives before each March 1 and
10 October 1.

11 Except as otherwise provided in this subsection (d), the
12 ~~The~~ report shall be reviewed by a panel of 4 members consisting
13 of:

14 (1) the Speaker of the House of Representatives;

15 (2) the Minority Leader of the House of
16 Representatives;

17 (3) the President of the Senate; and

18 (4) the Minority Leader of the Senate.

19 The State Board of Education may provide the panel
20 recommendations on waiver requests. The members of the panel
21 shall review the report submitted by the State Board of
22 Education and submit to the State Board of Education any notice
23 of further consideration to any waiver request within 14 days
24 after the member receives the report. If 3 or more of the panel
25 members submit a notice of further consideration to any waiver
26 request contained within the report, the State Board of

1 Education shall submit the waiver request to the General
2 Assembly for consideration. If less than 3 panel members submit
3 a notice of further consideration to a waiver request, the
4 waiver may be approved, denied, or modified by the State Board.
5 If the State Board does not act on a waiver request within 10
6 days, then the waiver request is approved. If the waiver
7 request is denied by the State Board, it shall submit the
8 waiver request to the General Assembly for consideration.

9 A waiver request from mandates contained under Section
10 17-2, 17-2A, 17-7, or 17-8 of this Code shall not be reviewed
11 by the panel, but shall be submitted to the General Assembly
12 for consideration under this Section.

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

24 (e) An approved waiver or modification may remain in effect
25 for a period not to exceed 5 school years and may be renewed
26 upon application by the eligible applicant. However, such

1 waiver or modification may be changed within that 5-year period
2 by a board or regional superintendent of schools applying on
3 behalf of schools or programs operated by the regional office
4 of education following the procedure as set forth in this
5 Section for the initial waiver or modification request. If
6 neither the State Board of Education nor the General Assembly
7 disapproves, the change is deemed granted.

8 (f) (Blank).

9 (Source: P.A. 99-78, eff. 7-20-15; 100-465, eff. 8-31-17.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.".