

1 AMENDMENT TO HOUSE BILL 1256

2 AMENDMENT NO. _____. Amend House Bill 1256 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing
5 Section 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
8 the School Code and administrative rules and regulations.
9 Notwithstanding any other provisions of this School Code or
10 any other law of this State to the contrary, school districts
11 may petition the State Board of Education for the waiver or
12 modification of the mandates of this School Code or of the
13 administrative rules and regulations promulgated by the State
14 Board of Education. Waivers or modifications of
15 administrative rules and regulations and modifications of
16 mandates of this School Code may be requested when a school
17 district demonstrates that it can address the intent of the
18 rule or mandate in a more effective, efficient, or economical
19 manner or when necessary to stimulate innovation or improve
20 student performance. Waivers of mandates of the School Code
21 may be requested when the waivers are necessary to stimulate
22 innovation or improve student performance. Waivers may not

1 be requested from laws, rules, and regulations pertaining to
2 special education, teacher certification, or teacher tenure
3 and seniority.

4 School districts, as a matter of inherent managerial
5 policy, and any Independent Authority established under
6 Section 2-3.25f may submit an application for a waiver or
7 modification authorized under this Section. Each application
8 must include a written request by the school district or
9 Independent Authority and must demonstrate that the intent of
10 the mandate can be addressed in a more effective, efficient,
11 or economical manner or be based upon a specific plan for
12 improved student performance and school improvement. Any
13 district requesting a waiver or modification for the reason
14 that intent of the mandate can be addressed in a more
15 economical manner shall include in the application a fiscal
16 analysis showing current expenditures on the mandate and
17 projected savings resulting from the waiver or modification.
18 Applications and plans developed by school districts must be
19 approved by each board of education following a public
20 hearing on the application and plan and the opportunity for
21 the board to hear testimony from educators directly involved
22 in its implementation, parents, and students. The public
23 hearing must be preceded by at least one published notice
24 occurring at least 7 days prior to the hearing in a newspaper
25 of general circulation within the school district that sets
26 forth the time, date, place, and general subject matter of
27 the hearing. The school district must notify in writing the
28 affected exclusive collective bargaining agent of the
29 district's intent to seek approval of a waiver or
30 modification and of the hearing to be held to take testimony
31 from educators. The affected exclusive collective bargaining
32 agents shall be notified of such public hearing at least 7
33 days prior to the date of the hearing and shall be allowed to
34 attend such public hearing.

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

19 A request for a waiver from mandates contained in this
20 School Code shall be submitted to the State Board within 15
21 days after approval by the board of education. The State
22 Board shall review the applications and requests for
23 completeness and shall compile the requests in reports to be
24 filed with the General Assembly. The State Board shall file
25 reports outlining the waivers requested by school districts
26 and appeals by school districts of requests disapproved by
27 the State Board with the Senate and the House of
28 Representatives before each May 1 and October 1. The General
29 Assembly may disapprove the report of the State Board in
30 whole or in part within 30 calendar days after each house of
31 the General Assembly next convenes after the report is filed
32 by adoption of a resolution by a record vote of the majority
33 of members elected in each house. If the General Assembly
34 fails to disapprove any waiver request or appealed request

1 within such 30 day period, the waiver or modification shall
2 be deemed granted. Any resolution adopted by the General
3 Assembly disapproving a report of the State Board in whole or
4 in part shall be binding on the State Board.

5 An approved waiver or modification may remain in effect
6 for a period not to exceed 5 school years and may be renewed
7 upon application by the school district. However, such waiver
8 or modification may be changed within that 5-year period by a
9 local school district board following the procedure as set
10 forth in this Section for the initial waiver or modification
11 request. If neither the State Board of Education nor the
12 General Assembly disapproves, the change is deemed granted.

13 On or before February 1, 1998, and each year thereafter,
14 the State Board of Education shall submit a cumulative report
15 summarizing all types of waiver mandates and modifications of
16 mandates granted by the State Board or the General Assembly.
17 The report shall identify the topic of the waiver along with
18 the number and percentage of school districts for which the
19 waiver has been granted. The report shall also include any
20 recommendations from the State Board regarding the repeal or
21 modification of waived mandates.

22 (Source: P.A. 89-3, eff. 2-27-95; 89-626, eff. 8-9-96; 90-62,
23 eff. 7-3-97; 90-462, eff. 8-17-97; 90-655, eff. 7-30-98.)".