



Rep. William Davis

Filed: 5/29/2017

10000HB1259ham001

LRB100 02967 MLM 27243 a

1 AMENDMENT TO HOUSE BILL 1259

2 AMENDMENT NO. _____. Amend House Bill 1259 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections
5 2-3.25g, 27-6, 27-7, and 27-24.2 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. Waivers may not be
18 requested from laws, rules, and regulations pertaining to
19 special education, teacher educator licensure, teacher tenure
20 and seniority, or Section 5-2.1 of this Code or from compliance
21 with the No Child Left Behind Act of 2001 (Public Law 107-110).
22 Eligible applicants may not seek a waiver or seek a
23 modification of a mandate regarding the requirements for (i)
24 student performance data to be a significant factor in teacher
25 or principal evaluations or (ii) teachers and principals to be
26 rated using the 4 categories of "excellent", "proficient",

1 "needs improvement", or "unsatisfactory". On September 1,
2 2014, any previously authorized waiver or modification from
3 such requirements shall terminate.

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

1 on other matters. If the applicant is a school district or
2 joint agreement requesting a waiver or modification of Section
3 27-6 of this Code, the public hearing shall be held on a day
4 other than the day on which a regular meeting of the board is
5 held.

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

1 pursuant to Section 27-24.2 of this Code, the website
2 information shall include the proposed amount of the fee the
3 applicant will request. All joint agreements and regional
4 superintendents must publish a notice of the public hearing at
5 least 7 days prior to the hearing in a newspaper of general
6 circulation in each school district that is a member of the
7 joint agreement or that is served by the educational service
8 region that sets forth the time, date, place, and general
9 subject matter of the hearing, provided that a notice appearing
10 in a newspaper generally circulated in more than one school
11 district shall be deemed to fulfill this requirement with
12 respect to all of the affected districts. Joint agreements or
13 regional superintendents requesting to increase the fee
14 charged for driver education shall include in the published
15 notice the proposed amount of the fee the applicant will
16 request. The eligible applicant must notify in writing the
17 affected exclusive collective bargaining agent and those State
18 legislators representing the eligible applicant's territory of
19 its intent to seek approval of a waiver or modification and of
20 the hearing to be held to take testimony from staff. The
21 affected exclusive collective bargaining agents shall be
22 notified of such public hearing at least 7 days prior to the
23 date of the hearing and shall be allowed to attend such public
24 hearing. The eligible applicant shall attest to compliance with
25 all of the notification and procedural requirements set forth
26 in this Section.

1 (d) A request for a waiver or modification of
2 administrative rules and regulations or for a modification of
3 mandates contained in this School Code shall be submitted to
4 the State Board of Education within 15 days after approval by
5 the board or regional superintendent of schools. The
6 application as submitted to the State Board of Education shall
7 include a description of the public hearing. ~~Except with~~
8 ~~respect to contracting for adaptive driver education, an~~
9 ~~eligible applicant wishing to request a modification or waiver~~
10 ~~of administrative rules of the State Board of Education~~
11 ~~regarding contracting with a commercial driver training school~~
12 ~~to provide the course of study authorized under Section 27-24.2~~
13 ~~of this Code must provide evidence with its application that~~
14 ~~the commercial driver training school with which it will~~
15 ~~contract holds a license issued by the Secretary of State under~~
16 ~~Article IV of Chapter 6 of the Illinois Vehicle Code and that~~
17 ~~each instructor employed by the commercial driver training~~
18 ~~school to provide instruction to students served by the school~~
19 ~~district holds a valid teaching certificate or teaching~~
20 ~~license, as applicable, issued under the requirements of this~~
21 ~~Code and rules of the State Board of Education. Such evidence~~
22 ~~must include, but need not be limited to, a list of each~~
23 ~~instructor assigned to teach students served by the school~~
24 ~~district, which list shall include the instructor's name,~~
25 ~~personal identification number as required by the State Board~~
26 ~~of Education, birth date, and driver's license number. If the~~

1 ~~modification or waiver is granted, then the eligible applicant~~
2 ~~shall notify the State Board of Education of any changes in the~~
3 ~~personnel providing instruction within 15 calendar days after~~
4 ~~an instructor leaves the program or a new instructor is hired.~~
5 ~~Such notification shall include the instructor's name,~~
6 ~~personal identification number as required by the State Board~~
7 ~~of Education, birth date, and driver's license number. If a~~
8 ~~school district maintains an Internet website, then the~~
9 ~~district shall post a copy of the final contract between the~~
10 ~~district and the commercial driver training school on the~~
11 ~~district's Internet website. If no Internet website exists,~~
12 ~~then the district shall make available the contract upon~~
13 ~~request. A record of all materials in relation to the~~
14 ~~application for contracting must be maintained by the school~~
15 ~~district and made available to parents and guardians upon~~
16 ~~request. The instructor's date of birth and driver's license~~
17 ~~number and any other personally identifying information as~~
18 ~~deemed by the federal Driver's Privacy Protection Act of 1994~~
19 ~~must be redacted from any public materials.~~ Following receipt
20 of the waiver or modification request, the State Board shall
21 have 45 days to review the application and request. If the
22 State Board fails to disapprove the application within that 45
23 day period, the waiver or modification shall be deemed granted.
24 The State Board may disapprove any request if it is not based
25 upon sound educational practices, endangers the health or
26 safety of students or staff, compromises equal opportunities

1 for learning, or fails to demonstrate that the intent of the
2 rule or mandate can be addressed in a more effective,
3 efficient, or economical manner or have improved student
4 performance as a primary goal. Any request disapproved by the
5 State Board may be appealed to the General Assembly by the
6 eligible applicant as outlined in this Section.

7 A request for a waiver from mandates contained in this
8 School Code shall be submitted to the State Board within 15
9 days after approval by the board or regional superintendent of
10 schools. The application as submitted to the State Board of
11 Education shall include a description of the public hearing.
12 The description shall include, but need not be limited to, the
13 means of notice, the number of people in attendance, the number
14 of people who spoke as proponents or opponents of the waiver, a
15 brief description of their comments, and whether there were any
16 written statements submitted. The State Board shall review the
17 applications and requests for completeness and shall compile
18 the requests in reports to be filed with the General Assembly.
19 The State Board shall file reports outlining the waivers
20 requested by eligible applicants and appeals by eligible
21 applicants of requests disapproved by the State Board with the
22 Senate and the House of Representatives before each March 1 and
23 October 1. The General Assembly may disapprove the report of
24 the State Board in whole or in part within 60 calendar days
25 after each house of the General Assembly next convenes after
26 the report is filed by adoption of a resolution by a record

1 vote of the majority of members elected in each house. If the
2 General Assembly fails to disapprove any waiver request or
3 appealed request within such 60 day period, the waiver or
4 modification shall be deemed granted. Any resolution adopted by
5 the General Assembly disapproving a report of the State Board
6 in whole or in part shall be binding on the State Board.

7 (e) An approved waiver or modification (except a waiver
8 from or modification to a physical education mandate) may
9 remain in effect for a period not to exceed 5 school years and
10 may be renewed upon application by the eligible applicant.
11 However, such waiver or modification may be changed within that
12 5-year period by a board or regional superintendent of schools
13 applying on behalf of schools or programs operated by the
14 regional office of education following the procedure as set
15 forth in this Section for the initial waiver or modification
16 request. If neither the State Board of Education nor the
17 General Assembly disapproves, the change is deemed granted.

18 An approved waiver from or modification to a physical
19 education mandate may remain in effect for a period not to
20 exceed 2 school years and may be renewed no more than 2 times
21 upon application by the eligible applicant. An approved waiver
22 from or modification to a physical education mandate may be
23 changed within the 2-year period by the board or regional
24 superintendent of schools, whichever is applicable, following
25 the procedure set forth in this Section for the initial waiver
26 or modification request. If neither the State Board of

1 Education nor the General Assembly disapproves, the change is
2 deemed granted.

3 (f) (Blank).

4 (Source: P.A. 98-513, eff. 1-1-14; 98-739, eff. 7-16-14;
5 98-1155, eff. 1-9-15; 99-78, eff. 7-20-15.)

6 (105 ILCS 5/27-6) (from Ch. 122, par. 27-6)

7 Sec. 27-6. Courses in physical education required; special
8 activities.

9 (a) Pupils enrolled in the public schools and State
10 universities engaged in preparing teachers shall be required to
11 engage ~~daily~~ during the school day, except on block scheduled
12 days for those public schools engaged in block scheduling, in
13 courses of physical education for such periods as are
14 compatible with the optimum growth and developmental needs of
15 individuals at the various age levels except when appropriate
16 excuses are submitted to the school by a pupil's parent or
17 guardian or by a person licensed under the Medical Practice Act
18 of 1987 and except as provided in subsection (b) of this
19 Section. A school board may determine the schedule or frequency
20 of physical education courses, provided that a pupil engages in
21 a course of physical education for a minimum of 3 days per
22 week.

23 Special activities in physical education shall be provided
24 for pupils whose physical or emotional condition, as determined
25 by a person licensed under the Medical Practice Act of 1987,

1 prevents their participation in the courses provided for normal
2 children.

3 (b) A school board is authorized to excuse pupils enrolled
4 in grades 11 and 12 from engaging in physical education courses
5 if those pupils request to be excused for any of the following
6 reasons: (1) for ongoing participation in an interscholastic
7 athletic program; (2) to enroll in academic classes which are
8 required for admission to an institution of higher learning,
9 provided that failure to take such classes will result in the
10 pupil being denied admission to the institution of his or her
11 choice; or (3) to enroll in academic classes which are required
12 for graduation from high school, provided that failure to take
13 such classes will result in the pupil being unable to graduate.

14 A school board may also excuse pupils in grades 9 through 12
15 enrolled in a marching band program for credit from engaging in
16 physical education courses if those pupils request to be
17 excused for ongoing participation in such marching band
18 program. A school board may also, on a case-by-case basis,
19 excuse pupils in grades 9 through 12 who participate in an
20 interscholastic or extracurricular athletic program from
21 engaging in physical education courses.

22 In addition, a pupil in
23 any of grades 3 through 12 who is eligible for special
24 education may be excused if the pupil's parent or guardian
25 agrees that the pupil must utilize the time set aside for
26 physical education to receive special education support and
services or, if there is no agreement, the individualized

1 education program team for the pupil determines that the pupil
2 must utilize the time set aside for physical education to
3 receive special education support and services, which
4 agreement or determination must be made a part of the
5 individualized education program. However, a pupil requiring
6 adapted physical education must receive that service in
7 accordance with the individualized education program developed
8 for the pupil. If requested, a school board is authorized to
9 excuse a pupil from engaging in a physical education course if
10 the pupil has an individualized educational program under
11 Article 14 of this Code, is participating in an adaptive
12 athletic program outside of the school setting, and documents
13 such participation as determined by the school board. A school
14 board may also excuse pupils in grades 9 through 12 enrolled in
15 a Reserve Officer's Training Corps (ROTC) program sponsored by
16 the school district from engaging in physical education
17 courses. School boards which choose to exercise this authority
18 shall establish a policy to excuse pupils on an individual
19 basis.

20 (c) The provisions of this Section are subject to the
21 provisions of Section 27-22.05.

22 (Source: P.A. 98-116, eff. 7-29-13.)

23 (105 ILCS 5/27-7) (from Ch. 122, par. 27-7)

24 Sec. 27-7. Physical education course of study. A physical
25 education course of study shall include a developmentally

1 planned and sequential curriculum that fosters the development
2 of movement skills, enhances health-related fitness, increases
3 students' knowledge, offers direct opportunities to learn how
4 to work cooperatively in a group setting, and encourages
5 healthy habits and attitudes for a healthy lifestyle. A
6 physical education course of study shall provide students with
7 an opportunity for an appropriate amount of ~~daily~~ physical
8 activity. A physical education course of study must be part of
9 the regular school curriculum and not extra-curricular in
10 nature or organization.

11 The State Board of Education shall prepare and make
12 available guidelines for the various grades and types of
13 schools in order to make effective the purposes set forth in
14 this section and the requirements provided in Section 27-6, and
15 shall see that the general provisions and intent of Sections
16 27-5 to 27-9, inclusive, are enforced.

17 (Source: P.A. 94-189, eff. 7-12-05; 94-200, eff. 7-12-05.)

18 (105 ILCS 5/27-24.2) (from Ch. 122, par. 27-24.2)

19 Sec. 27-24.2. Safety education; driver education course.
20 Instruction shall be given in safety education in each of
21 grades one through 8, equivalent to one class period each week,
22 and any school district which maintains grades 9 through 12
23 shall offer a driver education course in any such school which
24 it operates. Its curriculum shall include content dealing with
25 Chapters 11, 12, 13, 15, and 16 of the Illinois Vehicle Code,

1 the rules adopted pursuant to those Chapters insofar as they
2 pertain to the operation of motor vehicles, and the portions of
3 the Litter Control Act relating to the operation of motor
4 vehicles. The course of instruction given in grades 10 through
5 12 shall include an emphasis on the development of knowledge,
6 attitudes, habits, and skills necessary for the safe operation
7 of motor vehicles, including motorcycles insofar as they can be
8 taught in the classroom, and instruction on distracted driving
9 as a major traffic safety issue. In addition, the course shall
10 include instruction on special hazards existing at and required
11 safety and driving precautions that must be observed at
12 emergency situations, highway construction and maintenance
13 zones, and railroad crossings and the approaches thereto.
14 Beginning with the 2017-2018 school year, the course shall also
15 include instruction concerning law enforcement procedures for
16 traffic stops, including a demonstration of the proper actions
17 to be taken during a traffic stop and appropriate interactions
18 with law enforcement. The course of instruction required of
19 each eligible student at the high school level shall consist of
20 a minimum of 30 clock hours of classroom instruction and a
21 minimum of 6 clock hours of individual behind-the-wheel
22 instruction in a dual control car on public roadways taught by
23 a driver education instructor endorsed by the State Board of
24 Education. Both the classroom instruction part and the practice
25 driving part of such driver education course shall be open to a
26 resident or non-resident student attending a non-public school

1 in the district wherein the course is offered. Each student
2 attending any public or non-public high school in the district
3 must receive a passing grade in at least 8 courses during the
4 previous 2 semesters prior to enrolling in a driver education
5 course, or the student shall not be permitted to enroll in the
6 course; provided that the local superintendent of schools (with
7 respect to a student attending a public high school in the
8 district) or chief school administrator (with respect to a
9 student attending a non-public high school in the district) may
10 waive the requirement if the superintendent or chief school
11 administrator, as the case may be, deems it to be in the best
12 interest of the student. A student may be allowed to commence
13 the classroom instruction part of such driver education course
14 prior to reaching age 15 if such student then will be eligible
15 to complete the entire course within 12 months after being
16 allowed to commence such classroom instruction.

17 A school district may offer a driver education course in a
18 school by contracting with a commercial driver training school
19 to provide both the classroom instruction part and the practice
20 driving part or either one without having to request a
21 modification or waiver of administrative rules of the State
22 Board of Education if a public hearing on whether to enter into
23 a contract with a commercial driver training school has been
24 held at a regular or special school board meeting prior to
25 entering into such a contract. If a school district chooses to
26 contract with a commercial driver training school, then the

1 district must provide evidence to the State Board of Education
2 that the commercial driver training school with which it will
3 contract holds a license issued by the Secretary of State under
4 Article IV of Chapter 6 of the Illinois Vehicle Code and that
5 each instructor employed by the commercial driver training
6 school to provide instruction to students served by the school
7 district holds a valid teaching license issued under the
8 requirements of this Code and rules of the State Board of
9 Education. Such evidence must include, but need not be limited
10 to, a list of each instructor assigned to teach students served
11 by the school district, which list shall include the
12 instructor's name, personal identification number as required
13 by the State Board of Education, birth date, and driver's
14 license number. Once the contract is entered into, the school
15 district shall notify the State Board of Education of any
16 changes in the personnel providing instruction within 15
17 calendar days after an instructor leaves the program or a new
18 instructor is hired. Such notification shall include the
19 instructor's name, personal identification number as required
20 by the State Board of Education, birth date, and driver's
21 license number. If the school district maintains an Internet
22 website, then the district shall post a copy of the final
23 contract between the district and the commercial driver
24 training school on the district's Internet website. If no
25 Internet website exists, then the school district shall make
26 available the contract upon request. A record of all materials

1 in relation to the contract must be maintained by the school
2 district and made available to parents and guardians upon
3 request. The instructor's date of birth and driver's license
4 number and any other personally identifying information as
5 deemed by the federal Driver's Privacy Protection Act of 1994
6 must be redacted from any public materials. The school district
7 may charge a reasonable fee, not to exceed \$250, to students
8 who participate in a course through a contracted commercial
9 driver training school.

10 Such a course may be commenced immediately after the
11 completion of a prior course. Teachers of such courses shall
12 meet the licensure ~~certification~~ requirements of this Code Act
13 and regulations of the State Board as to qualifications.

14 Subject to rules of the State Board of Education, the
15 school district may charge a reasonable fee, not to exceed \$50,
16 to students who participate in the course, unless a student is
17 unable to pay for such a course, in which event the fee for
18 such a student must be waived. However, the district may
19 increase this fee to an amount not to exceed \$250 by school
20 board resolution following a public hearing on the increase,
21 which increased fee must be waived for students who participate
22 in the course and are unable to pay for the course. The total
23 amount from driver education fees and reimbursement from the
24 State for driver education must not exceed the total cost of
25 the driver education program in any year and must be deposited
26 into the school district's driver education fund as a separate

1 line item budget entry. All moneys deposited into the school
2 district's driver education fund must be used solely for the
3 funding of a high school driver education program approved by
4 the State Board of Education that uses driver education
5 instructors endorsed by the State Board of Education.

6 (Source: P.A. 99-642, eff. 7-28-16; 99-720, eff. 1-1-17.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law, but this Act does not take effect at all unless
9 Senate Bill 1 of the 100th General Assembly becomes law."