

HB1167



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB1167

Introduced 2/17/2021, by Rep. Emanuel Chris Welch

SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.25g

from Ch. 122, par. 2-3.25g

Amends the School Code. Makes technical and revisory changes in a Section concerning waivers of School Code mandates.

LRB102 03183 CMG 13196 b

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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
8 the School Code and administrative rules and regulations.

9 (a) In this Section:

10 "Board" means a school board or the ~~the~~ governing
11 board or administrative district, as the case may be, for
12 a joint 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
16 programs operated by the regional office of education.

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

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

20 (b) Notwithstanding any other provisions of this School
21 Code or any other law of this State to the contrary, eligible
22 applicants may petition the State Board of Education for the
23 waiver or modification of the mandates of this School Code or

1 of the administrative rules and regulations promulgated by the
2 State Board of Education. Waivers or modifications of
3 administrative rules and regulations and modifications of
4 mandates of this School Code may be requested when an eligible
5 applicant demonstrates that it can address the intent of the
6 rule or mandate in a more effective, efficient, or economical
7 manner or when necessary to stimulate innovation or improve
8 student performance. Waivers of mandates of the School Code
9 may be requested when the waivers are necessary to stimulate
10 innovation or improve student performance or when the
11 applicant demonstrates that it can address the intent of the
12 mandate of the School Code in a more effective, efficient, or
13 economical manner. Waivers may not be requested from laws,
14 rules, and regulations pertaining to special education,
15 teacher educator licensure, teacher tenure and seniority, or
16 Section 5-2.1 of this Code or from compliance with the Every
17 Student Succeeds Act (Public Law 114-95). Eligible applicants
18 may not seek a waiver or seek a modification of a mandate
19 regarding the requirements for (i) student performance data to
20 be a significant factor in teacher or principal evaluations or
21 (ii) teachers and principals to be rated using the 4
22 categories of "excellent", "proficient", "needs improvement",
23 or "unsatisfactory". On September 1, 2014, any previously
24 authorized waiver or modification from such requirements shall
25 terminate.

26 (c) Eligible applicants, as a matter of inherent

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

24 (c-5) If the applicant is a school district, then the
25 district shall post information that sets forth the time,
26 date, place, and general subject matter of the public hearing

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

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

20 (d) A request for a waiver or modification of
21 administrative rules and regulations or for a modification of
22 mandates contained in this School Code shall be submitted to
23 the State Board of Education within 15 days after approval by
24 the board or regional superintendent of schools. The
25 application as submitted to the State Board of Education shall
26 include a description of the public hearing. Following receipt

1 of the waiver or modification request, the State Board shall
2 have 45 days to review the application and request. If the
3 State Board fails to disapprove the application within that
4 45-day period, the waiver or modification shall be deemed
5 granted. The State Board may disapprove any request if it is
6 not based upon sound educational practices, endangers the
7 health or safety of students or staff, compromises equal
8 opportunities for learning, or fails to demonstrate that the
9 intent of the rule or mandate can be addressed in a more
10 effective, efficient, or economical manner or have improved
11 student performance as a primary goal. Any request disapproved
12 by the State Board may be appealed to the General Assembly by
13 the eligible applicant as outlined in this Section.

14 A request for a waiver from mandates contained in this
15 School Code shall be submitted to the State Board within 15
16 days after approval by the board or regional superintendent of
17 schools. The application as submitted to the State Board of
18 Education shall include a description of the public hearing.
19 The description shall include, but need not be limited to, the
20 means of notice, the number of people in attendance, the
21 number of people who spoke as proponents or opponents of the
22 waiver, a brief description of their comments, and whether
23 there were any written statements submitted. The State Board
24 shall review the applications and requests for completeness
25 and shall compile the requests in reports to be filed with the
26 General Assembly. The State Board shall file reports outlining

1 the waivers requested by eligible applicants and appeals by
2 eligible applicants of requests disapproved by the State Board
3 with the Senate and the House of Representatives before each
4 March 1 and October 1.

5 The report shall be reviewed by a panel of 4 members
6 consisting of:

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

8 (2) the Minority Leader of the House of
9 Representatives;

10 (3) the President of the Senate; and

11 (4) the Minority Leader of the Senate.

12 The State Board of Education may provide the panel
13 recommendations on waiver requests. The members of the panel
14 shall review the report submitted by the State Board of
15 Education and submit to the State Board of Education any
16 notice of further consideration to any waiver request within
17 14 days after the member receives the report. If 3 or more of
18 the panel members submit a notice of further consideration to
19 any waiver request contained within the report, the State
20 Board of Education shall submit the waiver request to the
21 General Assembly for consideration. If less than 3 panel
22 members submit a notice of further consideration to a waiver
23 request, the waiver may be approved, denied, or modified by
24 the State Board. If the State Board does not act on a waiver
25 request within 10 days, then the waiver request is approved.
26 If the waiver request is denied by the State Board, it shall

1 submit the waiver request to the General Assembly for
2 consideration.

3 The General Assembly may disapprove any waiver request
4 submitted to the General Assembly pursuant to this subsection
5 (d) in whole or in part within 60 calendar days after each
6 house of the General Assembly next convenes after the waiver
7 request is submitted by adoption of a resolution by a record
8 vote of the majority of members elected in each house. If the
9 General Assembly fails to disapprove any waiver request or
10 appealed request within such 60-day period, the waiver or
11 modification shall be deemed granted. Any resolution adopted
12 by the General Assembly disapproving a report of the State
13 Board in whole or in part shall be binding on the State Board.

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

24 (f) (Blank).

25 (Source: P.A. 100-465, eff. 8-31-17; 100-782, eff. 1-1-19;
26 101-81, eff. 7-12-19.)