

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
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
23 be requested from laws, rules, and regulations pertaining to
24 special education, teacher certification, limitations on
25 substitute teachers under Section 21-9 of this Code, or
26 teacher tenure and seniority.

27 School districts, as a matter of inherent managerial
28 policy, and any Independent Authority established under
29 Section 2-3.25f may submit an application for a waiver or
30 modification authorized under this Section. Each application
31 must include a written request by the school district or

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

30 A request for a waiver or modification of administrative
31 rules and regulations or for a modification of mandates
32 contained in this School Code shall be submitted to the State
33 Board of Education within 15 days after approval by the board
34 of education. Following receipt of the request, the State

1 Board shall have 45 days to review the application and
2 request. If the State Board fails to disapprove the
3 application within that 45 day period, the waiver or
4 modification shall be deemed granted. The State Board may
5 disapprove any request if it is not based upon sound
6 educational practices, endangers the health or safety of
7 students or staff, compromises equal opportunities for
8 learning, or fails to demonstrate that the intent of the rule
9 or mandate can be addressed in a more effective, efficient,
10 or economical manner or have improved student performance as
11 a primary goal. Any request disapproved by the State Board
12 may be appealed to the General Assembly by the requesting
13 school district 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 of education. The State
17 Board shall review the applications and requests for
18 completeness and shall compile the requests in reports to be
19 filed with the General Assembly. The State Board shall file
20 reports outlining the waivers requested by school districts
21 and appeals by school districts of requests disapproved by
22 the State Board with the Senate and the House of
23 Representatives before each May 1 and October 1. The Senate
24 or the House of Representatives ~~General-Assembly~~ may
25 disapprove the report of the State Board in whole or in part
26 within 30 calendar days after that each house of the General
27 Assembly next convenes after the report is filed by adoption
28 of a resolution by a record vote of the majority of members
29 elected in that each house. If both the Senate and the House
30 of Representatives fail ~~General-Assembly-fails~~ to disapprove
31 any waiver request or appealed request within such 30 day
32 period, the waiver or modification shall be deemed granted.
33 Any resolution adopted by the Senate or the House of
34 Representatives ~~General-Assembly~~ disapproving a report of the

1 State Board in whole or in part shall be binding on the State
2 Board.

3 An approved waiver or modification (except a waiver or
4 modification from a mandated student subject area under
5 Article 27 of this Code) may remain in effect for a period
6 not to exceed 5 school years and may be renewed upon
7 application by the school district. However, such waiver or
8 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, the
12 Senate, nor the House of Representatives General-Assembly
13 disapproves, the change is deemed granted.

14 An approved waiver or modification from a mandated
15 student subject area under Article 27 of this Code may remain
16 in effect for a period not to exceed 3 school years. However,
17 the waiver or modification may be changed within that 3-year
18 period by the school board following the procedure set forth
19 in this Section for the initial waiver or modification
20 request. If neither the State Board of Education, the Senate,
21 nor the House of Representatives disapproves, the change is
22 deemed granted. The waiver or modification may be renewed
23 upon application by the school district. However, the waiver
24 or modification may be renewed only once, and the school
25 district must provide evidence of action taken in an attempt
26 to reincorporate the mandated student subject area into the
27 curriculum and the reasons for renewal. By the end of the
28 period of renewal, a plan must be submitted to the State
29 Board of Education that details how the mandated student
30 subject area will be reincorporated into the curriculum.

31 On or before February 1, 1998, and each year thereafter,
32 the State Board of Education shall submit a cumulative report
33 summarizing all types of waiver mandates and modifications of
34 mandates granted by the State Board or the General Assembly.

1 The report shall identify the topic of the waiver along with
2 the number and percentage of school districts for which the
3 waiver has been granted. The report shall also include any
4 recommendations from the State Board regarding the repeal or
5 modification of waived mandates.

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

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.