

1 AMENDMENT TO HOUSE BILL 1256

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

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

7 (105 ILCS 5/2-3.25g) (from Ch. 122, par. 2-3.25g)

8 Sec. 2-3.25g. Waiver or modification of mandates within
9 the School Code and administrative rules and regulations.
10 Notwithstanding any other provisions of this School Code or
11 any other law of this State to the contrary, school districts
12 may petition the State Board of Education for the waiver or
13 modification of the mandates of this School Code or of the
14 administrative rules and regulations promulgated by the State
15 Board of Education. Waivers or modifications of
16 administrative rules and regulations and modifications of
17 mandates of this School Code may be requested when a school
18 district demonstrates that it can address the intent of the
19 rule or mandate in a more effective, efficient, or economical
20 manner or when necessary to stimulate innovation or improve
21 student performance. Waivers of mandates of the School Code
22 may be requested when the waivers are necessary to stimulate

1 innovation or improve student performance. Waivers may not
2 be requested from laws, rules, and regulations pertaining to
3 special education, teacher certification, limitations on
4 substitute teachers under Section 21-9 of this Code, or
5 teacher tenure and seniority.

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

1 bargaining agents shall be notified of such public hearing at
2 least 10 7 days prior to the date of the hearing and shall be
3 allowed to attend and participate in such public hearing. The
4 school district shall provide written verification in the
5 application that the exclusive bargaining agents have been
6 notified. The district shall attest to compliance with all
7 of the notification and procedural requirements set forth in
8 this Section.

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

29 A request for a waiver from mandates contained in this
30 School Code shall be submitted to the State Board within 15
31 days after approval by the board of education. The
32 application as submitted to the State Board of Education
33 shall include a description of the public hearing. The
34 description shall include, but need not be limited to, the

1 means of notice, the number of people in attendance, the
2 number of people who spoke as proponents or opponents of the
3 waiver, a brief description of their comments, and whether
4 there were any written statements submitted. The State Board
5 shall review the applications and requests for completeness
6 and shall compile the requests in reports to be filed with
7 the General Assembly. The State Board shall file reports
8 outlining the waivers requested by school districts and
9 appeals by school districts of requests disapproved by the
10 State Board with the Senate and the House of Representatives
11 before each May 1 and October 1. The General Assembly may
12 approve ~~disapprove~~ the report of the State Board in whole or
13 in part within 30 calendar days after each house of the
14 General Assembly next convenes after the report is filed by
15 adoption of a resolution by a record vote of the majority of
16 members elected in each house. If the General Assembly fails
17 to approve ~~disapprove~~ any waiver request or appealed request
18 within such 30 day period, the waiver or modification shall
19 be deemed denied ~~granted~~. Any resolution adopted by the
20 General Assembly approving ~~disapproving~~ a report of the State
21 Board in whole or in part shall be binding on the State
22 Board.

23 An approved waiver or modification (except a waiver or
24 modification from a mandated student subject area under
25 Article 27 of this Code) may remain in effect for a period
26 not to exceed 5 school years and may be renewed upon
27 application by the school district. However, such waiver or
28 modification may be changed within that 5-year period by a
29 local school district board following the procedure as set
30 forth in this Section for the initial waiver or modification
31 request. If the State Board of Education disapproves or the
32 General Assembly does not approve, the change is deemed
33 denied. ~~If neither the State Board of Education nor the~~
34 ~~General Assembly disapproves, the change is deemed granted.~~

1 An approved waiver or modification from a mandated
2 student subject area under Article 27 of this Code may remain
3 in effect for a period not to exceed 3 school years. However,
4 the waiver or modification may be changed within that 3-year
5 period by the school board following the procedure set forth
6 in this Section for the initial waiver or modification
7 request. If the State Board of Education disapproves or the
8 General Assembly does not approve, the change is deemed
9 denied. The waiver or modification may be renewed upon
10 application by the school district. However, the waiver or
11 modification may be renewed only once, and the school
12 district must provide evidence of action taken in an attempt
13 to reincorporate the mandated student subject area into the
14 curriculum and the reasons for renewal. By the end of the
15 period of renewal, a plan must be submitted to the State
16 Board of Education that details how the mandated student
17 subject area will be reincorporated into the curriculum.

18 If a request for a waiver from a physical education
19 mandate is approved, the State Board of Education shall
20 request that the school district consult with statewide
21 health or physical fitness associations, or both, to plan a
22 creative curriculum, based on available facilities and
23 resources, to meet the physical development and health needs
24 of students.

25 On or before February 1, 1998, and each year thereafter,
26 the State Board of Education shall submit a cumulative report
27 summarizing all types of waiver mandates and modifications of
28 mandates granted by the State Board or the General Assembly.
29 The report shall identify the topic of the waiver along with
30 the number and percentage of school districts for which the
31 waiver has been granted. The report shall also include any
32 recommendations from the State Board regarding the repeal or
33 modification of waived mandates.

34 (Source: P.A. 89-3, eff. 2-27-95; 89-626, eff. 8-9-96; 90-62,

1 eff. 7-3-97; 90-462, eff. 8-17-97; 90-655, eff. 7-30-98.)

2 Section 99. Effective date. This Act takes effect upon

3 becoming law.".