

1 AN ACT regarding schools.

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, or teacher tenure  
25 and seniority.

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

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

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

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

17 A request for a waiver from mandates contained in this  
18 School Code shall be submitted to the State Board within 15  
19 days after approval by the board of education. The  
20 application as submitted to the State Board of Education  
21 shall include a description of the public hearing. The  
22 description shall include, but need not be limited to, the  
23 means of notice, the number of people in attendance, the  
24 number of people who spoke as proponents or opponents of the  
25 waiver, a brief description of their comments, and whether  
26 there were any written statements submitted. The State Board  
27 shall review the applications and requests for completeness  
28 and shall compile the requests in reports to be filed with  
29 the General Assembly. The State Board shall file reports  
30 outlining the waivers requested by school districts and  
31 appeals by school districts of requests disapproved by the  
32 State Board with the Senate and the House of Representatives  
33 before each May 1 and October 1. The General Assembly may  
34 disapprove the report of the State Board in whole or in part

1 within 30 calendar days after each house of the General  
2 Assembly next convenes after the report is filed by adoption  
3 of a resolution by a record vote of the majority of members  
4 elected in each house. If the General Assembly fails to  
5 disapprove any waiver request or appealed request within such  
6 30 day period, the waiver or modification shall be deemed  
7 granted. Any resolution adopted by the General Assembly  
8 disapproving a report of the State Board in whole or in part  
9 shall be binding on the State Board.

10 An approved waiver or modification may remain in effect  
11 for a period not to exceed 5 school years and may be renewed  
12 upon application by the school district. However, such waiver  
13 or modification may be changed within that 5-year period by a  
14 local school district board 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 On or before February 1, 1998, and each year thereafter,  
19 the State Board of Education shall submit a cumulative report  
20 summarizing all types of waiver mandates and modifications of  
21 mandates granted by the State Board or the General Assembly.  
22 The report shall identify the topic of the waiver along with  
23 the number and percentage of school districts for which the  
24 waiver has been granted. The report shall also include any  
25 recommendations from the State Board regarding the repeal or  
26 modification of waived mandates.

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

29 Section 99. Effective date. This Act takes effect upon  
30 becoming law.