

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.