



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4592

by Rep. Linda Chapa LaVia

SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.25g

from Ch. 122, par. 2-3.25g

Amends the School Code. In provisions allowing for the waiver or modification of mandates within the Code and administrative rules, provides that waivers may not be requested from laws and rules pertaining to physical education beginning with the 2022-2023 school year.

LRB099 16509 EGJ 40845 b

FISCAL NOTE ACT
MAY APPLY

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 the
8 School Code and administrative rules and regulations.

9 (a) In this Section:

10 "Board" means a school board or the governing board or
11 administrative district, as the case may be, for a joint
12 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 programs
16 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 may
9 be requested when the waivers are necessary to stimulate
10 innovation or improve student performance. Waivers may not be
11 requested from laws, rules, and regulations pertaining to
12 special education, teacher educator licensure, teacher tenure
13 and seniority, or Section 5-2.1 of this Code or from compliance
14 with the No Child Left Behind Act of 2001 (Public Law 107-110).
15 Beginning with the 2022-2023 school year, waivers may not be
16 requested from laws, rules, and regulations pertaining to
17 physical education. Eligible applicants may not seek a waiver
18 or seek a modification of a mandate regarding the requirements
19 for (i) student performance data to be a significant factor in
20 teacher or principal evaluations or (ii) teachers and
21 principals to be rated using the 4 categories of "excellent",
22 "proficient", "needs improvement", or "unsatisfactory". On
23 September 1, 2014, any previously authorized waiver or
24 modification from such requirements shall terminate.

25 (c) Eligible applicants, as a matter of inherent managerial
26 policy, and any Independent Authority established under

1 Section 2-3.25f-5 of this Code may submit an application for a
2 waiver or modification authorized under this Section. Each
3 application must include a written request by the eligible
4 applicant or Independent Authority and must demonstrate that
5 the intent of the mandate can be addressed in a more effective,
6 efficient, or economical manner or be based upon a specific
7 plan for improved student performance and school improvement.
8 Any eligible applicant requesting a waiver or modification for
9 the reason that intent of the mandate can be addressed in a
10 more economical manner shall include in the application a
11 fiscal analysis showing current expenditures on the mandate and
12 projected savings resulting from the waiver or modification.
13 Applications and plans developed by eligible applicants must be
14 approved by the board or regional superintendent of schools
15 applying on behalf of schools or programs operated by the
16 regional office of education following a public hearing on the
17 application and plan and the opportunity for the board or
18 regional superintendent to hear testimony from staff directly
19 involved in its implementation, parents, and students. The time
20 period for such testimony shall be separate from the time
21 period established by the eligible applicant for public comment
22 on other matters. If the applicant is a school district or
23 joint agreement requesting a waiver or modification of Section
24 27-6 of this Code, the public hearing shall be held on a day
25 other than the day on which a regular meeting of the board is
26 held.

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

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

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

1 application as submitted to the State Board of Education shall
2 include a description of the public hearing. Except with
3 respect to contracting for adaptive driver education, an
4 eligible applicant wishing to request a modification or waiver
5 of administrative rules of the State Board of Education
6 regarding contracting with a commercial driver training school
7 to provide the course of study authorized under Section 27-24.2
8 of this Code must provide evidence with its application that
9 the commercial driver training school with which it will
10 contract holds a license issued by the Secretary of State under
11 Article IV of Chapter 6 of the Illinois Vehicle Code and that
12 each instructor employed by the commercial driver training
13 school to provide instruction to students served by the school
14 district holds a valid teaching certificate or teaching
15 license, as applicable, issued under the requirements of this
16 Code and rules of the State Board of Education. Such evidence
17 must include, but need not be limited to, a list of each
18 instructor assigned to teach students served by the school
19 district, which list shall include the instructor's name,
20 personal identification number as required by the State Board
21 of Education, birth date, and driver's license number. If the
22 modification or waiver is granted, then the eligible applicant
23 shall notify the State Board of Education of any changes in the
24 personnel providing instruction within 15 calendar days after
25 an instructor leaves the program or a new instructor is hired.
26 Such notification shall include the instructor's name,

1 personal identification number as required by the State Board
2 of Education, birth date, and driver's license number. If a
3 school district maintains an Internet website, then the
4 district shall post a copy of the final contract between the
5 district and the commercial driver training school on the
6 district's Internet website. If no Internet website exists,
7 then the district shall make available the contract upon
8 request. A record of all materials in relation to the
9 application for contracting must be maintained by the school
10 district and made available to parents and guardians upon
11 request. The instructor's date of birth and driver's license
12 number and any other personally identifying information as
13 deemed by the federal Driver's Privacy Protection Act of 1994
14 must be redacted from any public materials. Following receipt
15 of the waiver or modification request, the State Board shall
16 have 45 days to review the application and request. If the
17 State Board fails to disapprove the application within that 45
18 day period, the waiver or modification shall be deemed granted.
19 The State Board may disapprove any request if it is not based
20 upon sound educational practices, endangers the health or
21 safety of students or staff, compromises equal opportunities
22 for learning, or fails to demonstrate that the intent of the
23 rule or mandate can be addressed in a more effective,
24 efficient, or economical manner or have improved student
25 performance as a primary goal. Any request disapproved by the
26 State Board may be appealed to the General Assembly by the

1 eligible applicant as outlined in this Section.

2 A request for a waiver from mandates contained in this
3 School Code shall be submitted to the State Board within 15
4 days after approval by the board or regional superintendent of
5 schools. The application as submitted to the State Board of
6 Education shall include a description of the public hearing.
7 The description shall include, but need not be limited to, the
8 means of notice, the number of people in attendance, the number
9 of people who spoke as proponents or opponents of the waiver, a
10 brief description of their comments, and whether there were any
11 written statements submitted. The State Board shall review the
12 applications and requests for completeness and shall compile
13 the requests in reports to be filed with the General Assembly.
14 The State Board shall file reports outlining the waivers
15 requested by eligible applicants and appeals by eligible
16 applicants of requests disapproved by the State Board with the
17 Senate and the House of Representatives before each March 1 and
18 October 1. The General Assembly may disapprove the report of
19 the State Board in whole or in part within 60 calendar days
20 after each house of the General Assembly next convenes after
21 the report is filed by adoption of a resolution by a record
22 vote of the majority of members elected in each house. If the
23 General Assembly fails to disapprove any waiver request or
24 appealed request within such 60 day period, the waiver or
25 modification shall be deemed granted. Any resolution adopted by
26 the General Assembly disapproving a report of the State Board

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

2 (e) An approved waiver or modification (except a waiver
3 from or modification to a physical education mandate approved
4 for school years before the 2022-2023 school year) may remain
5 in effect for a period not to exceed 5 school years and may be
6 renewed upon application by the eligible applicant. However,
7 such waiver or modification may be changed within that 5-year
8 period by a board or regional superintendent of schools
9 applying on behalf of schools or programs operated by the
10 regional office of education following the procedure as set
11 forth in this Section for the initial waiver or modification
12 request. If neither the State Board of Education nor the
13 General Assembly disapproves, the change is deemed granted.

14 A ~~An approved~~ waiver from or modification to a physical
15 education mandate approved for school years before the
16 2022-2023 school year may remain in effect for a period not to
17 exceed 2 school years and may be renewed no more than 2 times
18 upon application by the eligible applicant as long as the
19 waiver is not in effect after the 2021-2022 school year. An
20 approved waiver from or modification to a physical education
21 mandate may be changed within the 2-year period by the board or
22 regional superintendent of schools, whichever is applicable,
23 following the procedure set forth in this Section for the
24 initial waiver or modification request. If neither the State
25 Board of Education nor the General Assembly disapproves, the
26 change is deemed granted.

1 (f) (Blank).

2 (Source: P.A. 98-513, eff. 1-1-14; 98-739, eff. 7-16-14;

3 98-1155, eff. 1-9-15; 99-78, eff. 7-20-15.)