

1 AN ACT concerning 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 (a) Notwithstanding any other provisions of this School  
10 Code or any other law of this State to the contrary, school  
11 districts may petition the State Board of Education for the  
12 waiver or modification of the mandates of this School Code or  
13 of the administrative rules and regulations promulgated by  
14 the State 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 (b) 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. The public  
14 hearing must be preceded by at least one published notice  
15 occurring at least 7 days prior to the hearing in a newspaper  
16 of general circulation within the school district that sets  
17 forth the time, date, place, and general subject matter of  
18 the hearing. A copy of the published notice must be included  
19 with the district's waiver or modification request submitted  
20 to the State Board of Education. The school district must  
21 notify in writing the affected exclusive collective  
22 bargaining agent of the district's intent to seek approval of  
23 a waiver or modification and of the hearing to be held to  
24 take testimony from educators. The affected exclusive  
25 collective bargaining agents shall be notified of such public  
26 hearing at least 7 days prior to the date of the hearing and  
27 shall be allowed to attend such public hearing.

28 (c) A request for a waiver or modification of  
29 administrative rules and regulations or for a modification of  
30 mandates contained in this School Code shall be submitted to  
31 the State Board of Education within 15 days after approval by  
32 the board of education. Following receipt of the request,  
33 the State Board shall have 45 days to review the application  
34 and request. If the State Board fails to disapprove the

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

12 A request for a waiver from mandates contained in this  
13 School Code shall be submitted to the State Board within 15  
14 days after approval by the board of education. The State  
15 Board shall review the applications and requests for  
16 completeness and shall compile the requests in reports to be  
17 filed with the General Assembly. The State Board shall file  
18 reports outlining the waivers requested by school districts  
19 and appeals by school districts of requests disapproved by  
20 the State Board with the Senate and the House of  
21 Representatives before each April May 1 and September October  
22 1. The General Assembly may disapprove the report of the  
23 State Board in whole or in part within 30 calendar days after  
24 each house of the General Assembly next convenes after the  
25 report is filed by adoption of a resolution by a record vote  
26 of the majority of members elected in each house. If the  
27 General Assembly fails to disapprove any waiver request or  
28 appealed request within such 30 day period, the waiver or  
29 modification shall be deemed granted. Any resolution adopted  
30 by the General Assembly disapproving a report of the State  
31 Board in whole or in part shall be binding on the State  
32 Board.

33 (d) An approved waiver or modification may remain in  
34 effect for a period not to exceed 5 school years and may be

1 renewed upon application by the school district. However,  
2 such waiver or modification may be changed within that 5-year  
3 period by a local school district board following the  
4 procedure as set forth in this Section for the initial waiver  
5 or modification request. If neither the State Board of  
6 Education nor the General Assembly disapproves, the change is  
7 deemed granted. This subsection (d) does not apply to a  
8 request for a waiver or modification from a physical  
9 education mandate contained in the Spring 2002 report or any  
10 subsequent report filed with the General Assembly by the  
11 State Board of Education.

12 (e) This subsection (e) applies to a request for a  
13 waiver or modification from a physical education mandate  
14 contained in the Spring 2002 report or any subsequent report  
15 filed with the General Assembly by the State Board of  
16 Education.

17 (1) An approved waiver or modification from a  
18 physical education mandate requested for curriculum  
19 purposes is effective for one school year and may be  
20 renewed upon application by the school district if the  
21 school district provides, in the application, proof of  
22 academic achievement or improvement due to the waiver or  
23 modification in the curriculum area or areas addressed in  
24 the original waiver or modification request.

25 (2) An approved waiver or modification from a  
26 physical education mandate requested because of a lack of  
27 facilities may remain in effect for 3 school years and  
28 may be renewed upon application by the school district if  
29 the school district explains, in the application, how the  
30 school district has attempted to alleviate the problem.

31 (3) An approved waiver or modification from a  
32 physical education mandate requested for any other reason  
33 is effective for one school year and may be renewed upon  
34 application by the school district if the school district

1 provides, in the application, an explanation of the  
2 benefits or positive outcomes associated with the waiver  
3 or modification.

4 The waiver or modification may be changed by a school board  
5 within the period provided in paragraph (1), (2), or (3) of  
6 this subsection (e), whichever is applicable, by following  
7 the procedure set forth in this Section for the initial  
8 waiver or modification request. If neither the State Board  
9 of Education nor the General Assembly disapproves, the change  
10 is deemed granted.

11 (f) On or before February 1, 1998, and each year  
12 thereafter, the State Board of Education shall submit a  
13 cumulative report summarizing all types of waiver mandates  
14 and modifications of mandates granted by the State Board or  
15 the General Assembly. The report shall identify the topic of  
16 the waiver along with the number and percentage of school  
17 districts for which the waiver has been granted. The report  
18 shall also include any recommendations from the State Board  
19 regarding the repeal or modification of waived mandates.

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

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.