LRB9202640NTsb

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AN ACT relating to schools.

Be it enacted by the People of the State of Illinois,represented in the General Assembly:

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

б (105 ILCS 5/2-3.25g) (from Ch. 122, par. 2-3.25g) Sec. 2-3.25g. Waiver or modification of mandates within 7 8 the School Code and administrative rules and regulations. Notwithstanding any other provisions of this Sehool Code or 9 any other law of this State to the contrary, school districts 10 may petition the State Board of Education for the waiver or 11 modification of the mandates of this School Code or of the 12 13 administrative rules and regulations promulgated by the State Board of Education. modifications 14 Waivers or of 15 administrative rules and regulations and modifications of 16 mandates of this School Code may be requested when a school district demonstrates that it can address the intent of the 17 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 may be requested when the waivers are necessary to stimulate 21 22 innovation or improve student performance. Waivers may not be requested from laws, rules, and regulations pertaining to 23 special education, teacher certification, or teacher tenure 24 and seniority. 25

School districts, as a matter of inherent managerial policy, and any Independent Authority established under Section 2-3.25f may submit an application for a waiver or modification authorized under this Section. Each application must include a written request by the school district or 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 improved student performance and school improvement. Any 3 4 district requesting a waiver or modification for the reason 5 that intent of the mandate can be addressed in a more б 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 approved by each board of education following a public 10 11 hearing on the application and plan and the opportunity for the board to hear testimony from educators directly involved 12 13 in its implementation, parents, and students. The public hearing must be preceded by at least one published notice 14 occurring at least 7 days prior to the hearing in a newspaper 15 16 of general circulation within the school district that sets forth the time, date, place, and general subject matter of 17 the hearing. The school district must notify in writing the 18 affected exclusive collective bargaining agent 19 of the district's 20 intent to seek approval of a waiver or 21 modification and of the hearing to be held to take testimony 22 from educators. The affected exclusive collective bargaining 23 agents shall be notified of such public hearing at least 7 days prior to the date of the hearing and shall be allowed to 24 25 attend such public hearing.

A request for a waiver or modification of administrative 26 rules and regulations or for a modification of mandates 27 contained in this School Code shall be submitted to the State 28 29 Board of Education within 15 days after approval by the board 30 of education. Following receipt of the request, the State Board shall have 45 days to review the application and 31 32 If the State Board fails to disapprove request. the within that 45 day period, the waiver or 33 application 34 modification shall be deemed granted. The State Board may

-2-

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

A request for a waiver from mandates contained in this 10 11 School Code shall be submitted to the State Board within 15 days after approval by the board of education. The State 12 13 Board shall review the applications and requests for completeness and shall compile the requests in reports to be 14 filed with the General Assembly. The State Board shall file 15 16 reports outlining the waivers requested by school districts and appeals by school districts of requests 17 disapproved by 18 the State Board with the Senate and the House of 19 Representatives before each May 1 and October 1. The General Assembly may disapprove the report of the State Board in 20 21 whole or in part within 30 calendar days after each house of 22 the General Assembly next convenes after the report is filed 23 by adoption of a resolution by a record vote of the majority of members elected in each house. If the General Assembly 24 25 fails to disapprove any waiver request or appealed request within such 30 day period, the waiver or modification shall 26 Any resolution adopted by the General 27 deemed granted. be Assembly disapproving a report of the State Board in whole or 28 29 in part shall be binding on the State Board.

An approved waiver or modification may remain in effect for a period not to exceed 5 school years and may be renewed upon application by the school district. However, such waiver or modification may be changed within that 5-year period by a local school district board following the procedure as set

-3-

LRB9202640NTsb

forth in this Section for the initial waiver or modification
 request. If neither the State Board of Education nor the
 General Assembly disapproves, the change is deemed granted.

On or before February 1, 1998, and each year thereafter, 4 5 the State Board of Education shall submit a cumulative report summarizing all types of waiver mandates and modifications of 6 7 mandates granted by the State Board or the General Assembly. The report shall identify the topic of the waiver along with 8 9 the number and percentage of school districts for which the waiver has been granted. The report shall also include any 10 11 recommendations from the State Board regarding the repeal or modification of waived mandates. 12

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

-4-