

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
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. 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. The school district must notify in writing the
19 affected exclusive collective bargaining agent of the
20 district's 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
24 days prior to the date of the hearing and shall be allowed to
25 attend such public hearing.

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

1 disapprove any request if it is not based upon sound
2 educational practices, endangers the health or safety of
3 students or staff, compromises equal opportunities 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.

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

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

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

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

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.)