



Rep. Thomas Morrison

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LRB098 17421 NHT 57982 a

1 AMENDMENT TO HOUSE BILL 5008

2 AMENDMENT NO. _____. Amend House Bill 5008 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections
5 2-3.25g and 27-24.2 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.

1 "Implementation date" has the meaning set forth in
2 Section 24A-2.5 of this Code.

3 "State Board" means the State Board of Education.

4 (b) Notwithstanding any other provisions of this School
5 Code or any other law of this State to the contrary, eligible
6 applicants may petition the State Board of Education for the
7 waiver or modification of the mandates of this School Code or
8 of the administrative rules and regulations promulgated by the
9 State Board of Education. Waivers or modifications of
10 administrative rules and regulations and modifications of
11 mandates of this School Code may be requested when an eligible
12 applicant demonstrates that it can address the intent of the
13 rule or mandate in a more effective, efficient, or economical
14 manner or when necessary to stimulate innovation or improve
15 student performance. Waivers of mandates of the School Code may
16 be requested when the waivers are necessary to stimulate
17 innovation or improve student performance. Waivers may not be
18 requested from laws, rules, and regulations pertaining to
19 special education, teacher certification, teacher tenure and
20 seniority, or Section 5-2.1 of this Code or from compliance
21 with the No Child Left Behind Act of 2001 (Public Law 107-110).
22 Eligible applicants may not seek a waiver or seek a
23 modification of a mandate regarding the requirements for (i)
24 student performance data to be a significant factor in teacher
25 or principal evaluations or (ii) for teachers and principals to
26 be rated using the 4 categories of "excellent", "proficient",

1 "needs improvement", or "unsatisfactory". On September 1,
2 2014, any previously authorized waiver or modification from
3 such requirements shall terminate.

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

1 on other matters. If the applicant is a school district or
2 joint agreement requesting a waiver or modification of Section
3 27-6 of this Code, the public hearing shall be held on a day
4 other than the day on which a regular meeting of the board is
5 held.

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

1 pursuant to Section 27-24.2 of this Code, the website
2 information shall include the proposed amount of the fee the
3 applicant will request. All joint agreements and regional
4 superintendents must publish a notice of the public hearing at
5 least 7 days prior to the hearing in a newspaper of general
6 circulation in each school district that is a member of the
7 joint agreement or that is served by the educational service
8 region that sets forth the time, date, place, and general
9 subject matter of the hearing, provided that a notice appearing
10 in a newspaper generally circulated in more than one school
11 district shall be deemed to fulfill this requirement with
12 respect to all of the affected districts. Joint agreements or
13 regional superintendents requesting to increase the fee
14 charged for driver education shall include in the published
15 notice the proposed amount of the fee the applicant will
16 request. The eligible applicant must notify in writing the
17 affected exclusive collective bargaining agent and those State
18 legislators representing the eligible applicant's territory of
19 its intent to seek approval of a waiver or modification and of
20 the hearing to be held to take testimony from staff. The
21 affected exclusive collective bargaining agents shall be
22 notified of such public hearing at least 7 days prior to the
23 date of the hearing and shall be allowed to attend such public
24 hearing. The eligible applicant shall attest to compliance with
25 all of the notification and procedural requirements set forth
26 in this Section.

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

1 ~~modification or waiver is granted, then the eligible applicant~~
2 ~~shall notify the State Board of Education of any changes in the~~
3 ~~personnel providing instruction within 15 calendar days after~~
4 ~~an instructor leaves the program or a new instructor is hired.~~
5 ~~Such notification shall include the instructor's name,~~
6 ~~personal identification number as required by the State Board~~
7 ~~of Education, birth date, and driver's license number. If a~~
8 ~~school district maintains an Internet website, then the~~
9 ~~district shall post a copy of the final contract between the~~
10 ~~district and the commercial driver training school on the~~
11 ~~district's Internet website. If no Internet website exists,~~
12 ~~then the district shall make available the contract upon~~
13 ~~request. A record of all materials in relation to the~~
14 ~~application for contracting must be maintained by the school~~
15 ~~district and made available to parents and guardians upon~~
16 ~~request. The instructor's date of birth and driver's license~~
17 ~~number and any other personally identifying information as~~
18 ~~deemed by the federal Driver's Privacy Protection Act of 1994~~
19 ~~must be redacted from any public materials.~~ Following receipt
20 of the waiver or modification request, the State Board shall
21 have 45 days to review the application and request. If the
22 State Board fails to disapprove the application within that 45
23 day period, the waiver or modification shall be deemed granted.
24 The State Board may disapprove any request if it is not based
25 upon sound educational practices, endangers the health or
26 safety of students or staff, compromises equal opportunities

1 for learning, or fails to demonstrate that the intent of the
2 rule or mandate can be addressed in a more effective,
3 efficient, or economical manner or have improved student
4 performance as a primary goal. Any request disapproved by the
5 State Board may be appealed to the General Assembly by the
6 eligible applicant as outlined in this Section.

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

1 vote of the majority of members elected in each house. If the
2 General Assembly fails to disapprove any waiver request or
3 appealed request within such 60 day period, the waiver or
4 modification shall be deemed granted. Any resolution adopted by
5 the General Assembly disapproving a report of the State Board
6 in whole or in part shall be binding on the State Board.

7 (e) An approved waiver or modification (except a waiver
8 from or modification to a physical education mandate) may
9 remain in effect for a period not to exceed 5 school years and
10 may be renewed upon application by the eligible applicant.
11 However, such waiver or modification may be changed within that
12 5-year period by a board or regional superintendent of schools
13 applying on behalf of schools or programs operated by the
14 regional office of education 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 An approved waiver from or modification to a physical
19 education mandate may remain in effect for a period not to
20 exceed 2 school years and may be renewed no more than 2 times
21 upon application by the eligible applicant. An approved waiver
22 from or modification to a physical education mandate may be
23 changed within the 2-year period by the board or regional
24 superintendent of schools, whichever is applicable, following
25 the procedure set forth in this Section for the initial waiver
26 or modification request. If neither the State Board of

1 Education nor the General Assembly disapproves, the change is
2 deemed granted.

3 (f) (Blank).

4 (Source: P.A. 97-1025, eff. 1-1-13; 98-513, eff. 1-1-14.)

5 (105 ILCS 5/27-24.2) (from Ch. 122, par. 27-24.2)

6 Sec. 27-24.2. Safety education; driver education course.
7 Instruction shall be given in safety education in each of
8 grades one through 8, equivalent to one class period each week,
9 and any school district which maintains grades 9 through 12
10 shall offer a driver education course in any such school which
11 it operates. Its curriculum shall include content dealing with
12 Chapters 11, 12, 13, 15, and 16 of the Illinois Vehicle Code,
13 the rules adopted pursuant to those Chapters insofar as they
14 pertain to the operation of motor vehicles, and the portions of
15 the Litter Control Act relating to the operation of motor
16 vehicles. The course of instruction given in grades 10 through
17 12 shall include an emphasis on the development of knowledge,
18 attitudes, habits, and skills necessary for the safe operation
19 of motor vehicles, including motorcycles insofar as they can be
20 taught in the classroom, and instruction on distracted driving
21 as a major traffic safety issue. In addition, the course shall
22 include instruction on special hazards existing at and required
23 safety and driving precautions that must be observed at
24 emergency situations, highway construction and maintenance
25 zones, and railroad crossings and the approaches thereto. The

1 course of instruction required of each eligible student at the
2 high school level shall consist of a minimum of 30 clock hours
3 of classroom instruction and a minimum of 6 clock hours of
4 individual behind-the-wheel instruction in a dual control car
5 on public roadways taught by a driver education instructor
6 endorsed by the State Board of Education. Both the classroom
7 instruction part and the practice driving part of such driver
8 education course shall be open to a resident or non-resident
9 student attending a non-public school in the district wherein
10 the course is offered. Each student attending any public or
11 non-public high school in the district must receive a passing
12 grade in at least 8 courses during the previous 2 semesters
13 prior to enrolling in a driver education course, or the student
14 shall not be permitted to enroll in the course; provided that
15 the local superintendent of schools (with respect to a student
16 attending a public high school in the district) or chief school
17 administrator (with respect to a student attending a non-public
18 high school in the district) may waive the requirement if the
19 superintendent or chief school administrator, as the case may
20 be, deems it to be in the best interest of the student. A
21 student may be allowed to commence the classroom instruction
22 part of such driver education course prior to reaching age 15
23 if such student then will be eligible to complete the entire
24 course within 12 months after being allowed to commence such
25 classroom instruction.

26 A school district may offer a driver education course in a

1 school by contracting with a commercial driver training school
2 to provide both the classroom instruction part and the practice
3 driving part or either one without having to request a
4 modification or waiver of administrative rules of the State
5 Board of Education. If a school district chooses to contract
6 with a commercial driver training school, then the district
7 must provide evidence to the State Board of Education that the
8 commercial driver training school with which it will contract
9 holds a license issued by the Secretary of State under Article
10 IV of Chapter 6 of the Illinois Vehicle Code and that each
11 instructor employed by the commercial driver training school to
12 provide instruction to students served by the school district
13 holds a valid teaching license issued under the requirements of
14 rules of the State Board of Education. Such evidence must
15 include, but need not be limited to, a list of each instructor
16 assigned to teach students served by the school district, which
17 list shall include the instructor's name, personal
18 identification number as required by the State Board of
19 Education, birth date, and driver's license number. If a school
20 district maintains an Internet website, then the district shall
21 post a copy of the final contract between the district and the
22 commercial driver training school on the district's Internet
23 website. If no Internet website exists, then the district shall
24 make available the contract upon request. A record of all
25 materials in relation to the contracting of a driver education
26 course must be maintained by the school district and made

1 available to the parents and guardians of students upon
2 request. The instructor's date of birth and driver's license
3 number and any other personally identifying information as
4 deemed by the federal Driver's Privacy Protection Act of 1994
5 must be redacted from any public materials.

6 Such a course may be commenced immediately after the
7 completion of a prior course. Teachers of such courses shall
8 meet the licensure ~~certification~~ requirements of this Code Act
9 and regulations of the State Board as to qualifications.

10 Subject to rules of the State Board of Education, the
11 school district may charge a reasonable fee, not to exceed \$50,
12 to students who participate in the course, unless a student is
13 unable to pay for such a course, in which event the fee for
14 such a student must be waived. However, the district may
15 increase this fee to an amount not to exceed \$250 by school
16 board resolution following a public hearing on the increase,
17 which increased fee must be waived for students who participate
18 in the course and are unable to pay for the course. The total
19 amount from driver education fees and reimbursement from the
20 State for driver education must not exceed the total cost of
21 the driver education program in any year and must be deposited
22 into the school district's driver education fund as a separate
23 line item budget entry. All moneys deposited into the school
24 district's driver education fund must be used solely for the
25 funding of a high school driver education program approved by
26 the State Board of Education that uses driver education

1 instructors endorsed by the State Board of Education.

2 (Source: P.A. 96-734, eff. 8-25-09; 97-145, eff. 7-14-11.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.".