

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  
8 the 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  
16 programs 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  
9 may be requested when the waivers are necessary to stimulate  
10 innovation or improve student performance or when the  
11 applicant demonstrates that it can address the intent of the  
12 mandate of the School Code in a more effective, efficient, or  
13 economical manner. Waivers may not be requested from laws,  
14 rules, and regulations pertaining to special education,  
15 teacher educator licensure, teacher tenure and seniority, or  
16 Section 5-2.1 of this Code or from compliance with the Every  
17 Student Succeeds Act (Public Law 114-95). Eligible applicants  
18 may not seek a waiver or seek a modification of a mandate  
19 regarding the requirements for (i) student performance data to  
20 be a significant factor in teacher or principal evaluations or  
21 (ii) teachers and principals to be rated using the 4  
22 categories of "excellent", "proficient", "needs improvement",  
23 or "unsatisfactory". On September 1, 2014, any previously  
24 authorized waiver or modification from such requirements shall  
25 terminate.

26 (c) Eligible applicants, as a matter of inherent

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

24 (c-5) If the applicant is a school district, then the  
25 district shall post information that sets forth the time,  
26 date, place, and general subject matter of the public hearing

1 on its Internet website at least 14 days prior to the hearing.  
2 If the district is requesting to increase the fee charged for  
3 driver education authorized pursuant to Section 27-24.2 of  
4 this Code, the website information shall include the proposed  
5 amount of the fee the district will request. All school  
6 districts must publish a notice of the public hearing at least  
7 7 days prior to the hearing on all social media accounts  
8 maintained and operated by ~~in a newspaper of general~~  
9 ~~circulation within~~ the school district, if available, that  
10 sets forth the time, date, place, and general subject matter  
11 of the hearing. If no social media account exists, a school  
12 district must publish a notice of the public hearing at least 7  
13 days prior to the hearing in a newspaper of general  
14 circulation within the school district that sets forth the  
15 time, date, place, and general subject matter of the hearing.  
16 Districts requesting to increase the fee charged for driver  
17 education shall include in the public ~~published~~ notice the  
18 proposed amount of the fee the district will request. If the  
19 applicant is a joint agreement or regional superintendent,  
20 then the joint agreement or regional superintendent shall post  
21 information that sets forth the time, date, place, and general  
22 subject matter of the public hearing on its Internet website  
23 at least 14 days prior to the hearing. If the joint agreement  
24 or regional superintendent is requesting to increase the fee  
25 charged for driver education authorized pursuant to Section  
26 27-24.2 of this Code, the website information shall include

1 the proposed amount of the fee the applicant will request. All  
2 joint agreements and regional superintendents must publish a  
3 notice of the public hearing at least 7 days prior to the  
4 hearing on all social media accounts maintained and operated  
5 by ~~in a newspaper of general circulation in~~ each school  
6 district that is a member of the joint agreement or that is  
7 served by the educational service region that sets forth the  
8 time, date, place, and general subject matter of the hearing  
9 If no social media account exists, all joint agreements and  
10 regional superintendents must publish a notice of the public  
11 hearing at least 7 days prior to the hearing in a newspaper of  
12 general circulation in each school district that is a member  
13 of the joint agreement or that is served by the educational  
14 service region that sets forth the time, date, place, and  
15 general subject matter of the hearing, provided that a notice  
16 appearing in a newspaper generally circulated in more than one  
17 school district shall be deemed to fulfill this requirement  
18 with respect to all of the affected districts. Joint  
19 agreements or regional superintendents requesting to increase  
20 the fee charged for driver education shall include in the  
21 public ~~published~~ notice the proposed amount of the fee the  
22 applicant will request. The eligible applicant must notify  
23 either electronically or in writing the affected exclusive  
24 collective bargaining agent ~~and those State legislators~~  
25 ~~representing the eligible applicant's territory~~ of its intent  
26 to seek approval of a waiver or modification and of the hearing

1 to be held to take testimony from staff. If the eligible  
2 applicant does not have a collective bargaining agreement with  
3 a unit, as defined in Section 6 of the Illinois Public Labor  
4 Relations Act, this notification requirement is waived. The  
5 affected exclusive collective bargaining agents shall be  
6 notified of such public hearing at least 7 days prior to the  
7 date of the hearing and shall be allowed to attend such public  
8 hearing. The eligible applicant shall attest to compliance  
9 with all of the notification and procedural requirements set  
10 forth in this Section. No waiver of the right to notification  
11 of the collective bargaining unit representing the eligible  
12 applicant's territory is permitted.

13 (d) A request for a waiver or modification of  
14 administrative rules and regulations or for a modification of  
15 mandates contained in this School Code shall be submitted to  
16 the State Board of Education within 15 days after approval by  
17 the board or regional superintendent of schools. The  
18 application as submitted to the State Board of Education shall  
19 include a description of the public hearing. 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  
23 45-day period, the waiver or modification shall be deemed  
24 granted. The State Board may disapprove any request if it is  
25 not based upon sound educational practices, endangers the  
26 health or safety of students or staff, compromises equal

1 opportunities for learning, or fails to demonstrate that the  
2 intent of the rule or mandate can be addressed in a more  
3 effective, efficient, or economical manner or have improved  
4 student performance as a primary goal. Any request disapproved  
5 by the State Board may be appealed to the General Assembly by  
6 the 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  
14 number of people who spoke as proponents or opponents of the  
15 waiver, a brief description of their comments, and whether  
16 there were any written statements submitted. Verification of  
17 the publication of the notice of hearing that is posted on an  
18 applicant's Internet website as provided in subsection (c-5)  
19 must include an image or screen shot of the post with the date,  
20 time and URL present. If the notice of hearing was published in  
21 a newspaper of general circulation as provided in subsection  
22 (c-5), the applicant must provide a copy of the newspaper  
23 posting or certificate of publication provided by the  
24 newspaper. The State Board shall review the applications and  
25 requests for completeness and shall compile the requests in  
26 reports to be filed with the General Assembly. The State Board

1 shall file reports outlining the waivers requested by eligible  
2 applicants and appeals by eligible applicants of requests  
3 disapproved by the State Board with the Senate and the House of  
4 Representatives before each March 1 and October 1.

5 The report shall be reviewed by a panel of 4 members  
6 consisting of:

7 (1) the Speaker of the House of Representatives;

8 (2) the Minority Leader of the House of  
9 Representatives;

10 (3) the President of the Senate; and

11 (4) the Minority Leader of the Senate.

12 The State Board of Education may provide the panel  
13 recommendations on waiver requests. The members of the panel  
14 shall review the report submitted by the State Board of  
15 Education and submit to the State Board of Education any  
16 notice of further consideration to any waiver request within  
17 14 days after the member receives the report. If 3 or more of  
18 the panel members submit a notice of further consideration to  
19 any waiver request contained within the report, the State  
20 Board of Education shall submit the waiver request to the  
21 General Assembly for consideration. If less than 3 panel  
22 members submit a notice of further consideration to a waiver  
23 request, the waiver may be approved, denied, or modified by  
24 the State Board. If the State Board does not act on a waiver  
25 request within 10 days, then the waiver request is approved.  
26 If the waiver request is denied by the State Board, it shall

1 submit the waiver request to the General Assembly for  
2 consideration.

3 The General Assembly may disapprove any waiver request  
4 submitted to the General Assembly pursuant to this subsection  
5 (d) in whole or in part within 60 calendar days after each  
6 house of the General Assembly next convenes after the waiver  
7 request is submitted by adoption of a resolution by a record  
8 vote of the majority of members elected in each house. If the  
9 General Assembly fails to take action on any waiver request  
10 that was disapproved ~~disapprove any waiver request~~ or appealed  
11 request within such 60-day period, the waiver or modification  
12 shall be deemed denied ~~granted~~. Any resolution adopted by the  
13 General Assembly disapproving a report of the State Board in  
14 whole or in part shall be binding on the State Board.

15 (e) An approved waiver or modification may remain in  
16 effect for a period not to exceed 5 school years and may be  
17 renewed ~~upon application~~ by the eligible applicant for no more  
18 than 2 renewal periods. However, an approved waiver of or  
19 modification to a physical education mandate may remain in  
20 effect for a period not to exceed 3 school years and may not be  
21 renewed. Once a waiver or modification has been approved, no  
22 changes may be made to the approved waiver or modification  
23 during the term of the waiver or modification. A waiver or  
24 modification that has been approved may be rescinded by the  
25 entity that applied for the waiver or modification by  
26 providing written notice to the State Board of Education. The

1 notice of recession must state the date the recession is  
2 effective. ~~However, such waiver or modification may be changed~~  
3 ~~within that 5-year period by a board or regional~~  
4 ~~superintendent of schools applying on behalf of schools or~~  
5 ~~programs operated by the regional office of education~~  
6 ~~following the procedure as set forth in this Section for the~~  
7 ~~initial waiver or modification request. If neither the State~~  
8 ~~Board of Education nor the General Assembly disapproves, the~~  
9 ~~change is deemed granted.~~

10 (f) (Blank).

11 (Source: P.A. 100-465, eff. 8-31-17; 100-782, eff. 1-1-19;  
12 101-81, eff. 7-12-19.)