



Rep. Sharon Chung

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10400HB1358ham002

LRB104 06331 LNS 24577 a

1 AMENDMENT TO HOUSE BILL 1358

2 AMENDMENT NO. _____. Amend House Bill 1358, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The School Code is amended by changing Section
6 2-3.25g as follows:

7 (105 ILCS 5/2-3.25g) (from Ch. 122, par. 2-3.25g)
8 Sec. 2-3.25g. Waiver or modification of mandates within
9 the School Code and administrative rules and regulations.

10 (a) In this Section:

11 "Board" means a school board or the governing board or
12 administrative district, as the case may be, for a joint
13 agreement.

14 "Eligible applicant" means a school district, joint
15 agreement made up of school districts, or regional
16 superintendent of schools on behalf of schools and

1 programs operated by the regional office of education.

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

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

5 (b) Notwithstanding any other provisions of this School
6 Code or any other law of this State to the contrary, eligible
7 applicants may petition the State Board of Education for the
8 waiver or modification of the mandates of this School Code or
9 of the administrative rules and regulations promulgated by the
10 State Board of Education. Waivers or modifications of
11 administrative rules and regulations and modifications of
12 mandates of this School Code may be requested when an eligible
13 applicant demonstrates that it can address the intent of the
14 rule or mandate in a more effective, efficient, or economical
15 manner or when necessary to stimulate innovation or improve
16 student performance. Waivers of mandates of the School Code
17 may be requested when the waivers are necessary to stimulate
18 innovation or improve student performance or when the
19 applicant demonstrates that it can address the intent of the
20 mandate of the School Code in a more effective, efficient, or
21 economical manner. Waivers may not be requested from laws,
22 rules, and regulations pertaining to special education,
23 teacher educator licensure, teacher tenure and seniority, or
24 Section 5-2.1 of this Code or from compliance with the Every
25 Student Succeeds Act (Public Law 114-95). Eligible applicants
26 may not seek a waiver or seek a modification of a mandate

1 regarding the requirements for (i) student performance data to
2 be a significant factor in teacher or principal evaluations or
3 (ii) teachers and principals to be rated using the 4
4 categories of "excellent", "proficient", "needs improvement",
5 or "unsatisfactory". On September 1, 2014, any previously
6 authorized waiver or modification from such requirements shall
7 terminate.

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

1 opportunity for the board or regional superintendent to hear
2 testimony from staff directly involved in its implementation,
3 parents, and students. The time period for such testimony
4 shall be separate from the time period established by the
5 eligible applicant for public comment on other matters.

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

1 to the hearing. If the joint agreement or regional
2 superintendent 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 applicant will request. All joint
6 agreements and regional superintendents must publish a notice
7 of the public hearing at least 7 days prior to the hearing in a
8 newspaper of general circulation in each school district that
9 is a member of the joint agreement or that is served by the
10 educational service region and on all social media accounts
11 maintained and operated by each school district that is a
12 member of the joint agreement or that is served by the
13 educational service region, if available, that sets forth the
14 time, date, place, and general subject matter of the hearing,
15 provided that a notice appearing in a newspaper generally
16 circulated in more than one school district shall be deemed to
17 fulfill this requirement with respect to all of the affected
18 districts. Joint agreements or regional superintendents
19 requesting to increase the fee charged for driver education
20 shall include in the published notice the proposed amount of
21 the fee the applicant will request. The eligible applicant
22 must notify either electronically or in writing the affected
23 exclusive collective bargaining agent ~~and those State~~
24 ~~legislators representing the eligible applicant's territory~~ of
25 its intent to seek approval of a waiver or modification and of
26 the hearing to be held to take testimony from staff. If the

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

12 (d) A request for a waiver or modification of
13 administrative rules and regulations or for a modification of
14 mandates contained in this School Code shall be submitted to
15 the State Board of Education within 15 days after approval by
16 the board or regional superintendent of schools. The
17 application as submitted to the State Board of Education shall
18 include a description of the public hearing. Following receipt
19 of the waiver or modification request, the State Board shall
20 have 45 days to review the application and request. If the
21 State Board fails to disapprove the application within that
22 45-day period, the waiver or modification shall be deemed
23 granted. The State Board may disapprove any request if it is
24 not based upon sound educational practices, endangers the
25 health or safety of students or staff, compromises equal
26 opportunities for learning, or fails to demonstrate that the

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

6 A request for a waiver from mandates contained in this
7 School Code shall be submitted to the State Board within 15
8 days after approval by the board or regional superintendent of
9 schools. The application as submitted to the State Board of
10 Education shall include a description of the public hearing.
11 The description shall include, but need not be limited to, the
12 means of notice, the number of people in attendance, the
13 number of people who spoke as proponents or opponents of the
14 waiver, a brief description of their comments, and whether
15 there were any written statements submitted. Verification of
16 the publication of the notice of hearing that is posted on an
17 applicant's website must include an image or screen shot of
18 the post with the date, time, and URL present. For notices of
19 hearing published in a newspaper, the applicant must submit a
20 copy of the newspaper posting or certificate of publication
21 provided by the newspaper. The State Board shall review the
22 applications and requests for completeness and shall compile
23 the requests in reports to be filed with the General Assembly.
24 The State Board shall file reports outlining the waivers
25 requested by eligible applicants and appeals by eligible
26 applicants of requests disapproved by the State Board with the

1 Senate and the House of Representatives before each March 1
2 and October 1.

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

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

6 (2) the Minority Leader of the House of
7 Representatives;

8 (3) the President of the Senate; and

9 (4) the Minority Leader of the Senate.

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

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

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

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

8 (f) (Blank).

9 (Source: P.A. 100-465, eff. 8-31-17; 100-782, eff. 1-1-19;
10 101-81, eff. 7-12-19.)".