

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 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.

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

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

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

1 subject matter of the hearing, provided that a notice appearing  
2 in a newspaper generally circulated in more than one school  
3 district shall be deemed to fulfill this requirement with  
4 respect to all of the affected districts. Joint agreements or  
5 regional superintendents requesting to increase the fee  
6 charged for driver education shall include in the published  
7 notice the proposed amount of the fee the applicant will  
8 request. The eligible applicant must notify in writing the  
9 affected exclusive collective bargaining agent and those State  
10 legislators representing the eligible applicant's territory of  
11 its intent to seek approval of a waiver or modification and of  
12 the hearing to be held to take testimony from staff. The  
13 affected exclusive collective bargaining agents shall be  
14 notified of such public hearing at least 7 days prior to the  
15 date of the hearing and shall be allowed to attend such public  
16 hearing. The eligible applicant shall attest to compliance with  
17 all of the notification and procedural requirements set forth  
18 in this Section.

19 (d) A request for a waiver or modification of  
20 administrative rules and regulations or for a modification of  
21 mandates contained in this School Code shall be submitted to  
22 the State Board of Education within 15 days after approval by  
23 the board or regional superintendent of schools. The  
24 application as submitted to the State Board of Education shall  
25 include a description of the public hearing. Following receipt  
26 of the waiver or modification request, the State Board shall

1 have 45 days to review the application and request. If the  
2 State Board fails to disapprove the application within that 45  
3 day period, the waiver or modification shall be deemed granted.  
4 The State Board may disapprove any request if it is not based  
5 upon sound educational practices, endangers the health or  
6 safety of students or staff, compromises equal opportunities  
7 for learning, or fails to demonstrate that the intent of the  
8 rule or mandate can be addressed in a more effective,  
9 efficient, or economical manner or have improved student  
10 performance as a primary goal. Any request disapproved by the  
11 State Board may be appealed to the General Assembly by the  
12 eligible applicant as outlined in this Section.

13 A request for a waiver from mandates contained in this  
14 School Code shall be submitted to the State Board within 15  
15 days after approval by the board or regional superintendent of  
16 schools. The application as submitted to the State Board of  
17 Education shall include a description of the public hearing.  
18 The description shall include, but need not be limited to, the  
19 means of notice, the number of people in attendance, the number  
20 of people who spoke as proponents or opponents of the waiver, a  
21 brief description of their comments, and whether there were any  
22 written statements submitted. The State Board shall review the  
23 applications and requests for completeness and shall compile  
24 the requests in reports to be filed with the General Assembly.  
25 The State Board shall file reports outlining the waivers  
26 requested by eligible applicants and appeals by eligible

1 applicants of requests disapproved by the State Board with the  
2 Senate and the House of Representatives before each March 1 and  
3 October 1.

4 Except as otherwise provided in this subsection (d), the  
5 ~~The~~ report shall be reviewed by a panel of 4 members consisting  
6 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 notice  
16 of further consideration to any waiver request within 14 days  
17 after the member receives the report. If 3 or more of the panel  
18 members submit a notice of further consideration to any waiver  
19 request contained within the report, the State Board of  
20 Education shall submit the waiver request to the General  
21 Assembly for consideration. If less than 3 panel members submit  
22 a notice of further consideration to a waiver request, the  
23 waiver may be approved, denied, or modified by the State Board.  
24 If the State Board does not act on a waiver request within 10  
25 days, then the waiver request is approved. If the waiver  
26 request is denied by the State Board, it shall submit the

1 waiver request to the General Assembly for consideration.

2 A waiver request from mandates contained under Section  
3 17-2, 17-2A, 17-7, or 17-8 of this Code shall not be reviewed  
4 by the panel, but shall be submitted to the General Assembly  
5 for consideration under this Section.

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

17 (e) An approved waiver or modification may remain in effect  
18 for a period not to exceed 5 school years and may be renewed  
19 upon application by the eligible applicant. However, such  
20 waiver or modification may be changed within that 5-year period  
21 by a board or regional superintendent of schools applying on  
22 behalf of schools or programs operated by the regional office  
23 of education following the procedure as set forth in this  
24 Section for the initial waiver or modification request. If  
25 neither the State Board of Education nor the General Assembly  
26 disapproves, the change is deemed granted.

1 (f) (Blank).

2 (Source: P.A. 99-78, eff. 7-20-15; 100-465, eff. 8-31-17.)