



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4235

by Rep. Robert W. Pritchard

SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.25g

from Ch. 122, par. 2-3.25g

Amends the School Code. Provides that a waiver or modification from mandates of the Code may not be requested from a provision in the Code governing tuition for non-resident pupils unless the area encompassing the school district requesting the waiver qualifies as a designated teacher shortage area as determined by the State Board of Education and approved by the U.S. Department of Education. Effective immediately.

LRB100 16770 AXK 31910 b

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). A waiver or modification of a mandate
18 may not be requested from subsection (a) of Section 10-20.12a
19 of this Code unless the area encompassing the school district
20 requesting the waiver qualifies as a designated teacher
21 shortage area as determined by the State Board and approved by
22 the U.S. Department of Education. Eligible applicants may not
23 seek a waiver or seek a modification of a mandate regarding the
24 requirements for (i) student performance data to be a
25 significant factor in teacher or principal evaluations or (ii)
26 teachers and principals to be rated using the 4 categories of

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

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

1 period established by the eligible applicant for public comment
2 on other matters.

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

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

24 (d) A request for a waiver or modification of
25 administrative rules and regulations or for a modification of
26 mandates contained in this School Code shall be submitted to

1 the State Board of Education within 15 days after approval by
2 the board or regional superintendent of schools. The
3 application as submitted to the State Board of Education shall
4 include a description of the public hearing. Following receipt
5 of the waiver or modification request, the State Board shall
6 have 45 days to review the application and request. If the
7 State Board fails to disapprove the application within that 45
8 day period, the waiver or modification shall be deemed granted.
9 The State Board may disapprove any request if it is not based
10 upon sound educational practices, endangers the health or
11 safety of students or staff, compromises equal opportunities
12 for learning, or fails to demonstrate that the intent of the
13 rule or mandate can be addressed in a more effective,
14 efficient, or economical manner or have improved student
15 performance as a primary goal. Any request disapproved by the
16 State Board may be appealed to the General Assembly by the
17 eligible applicant as outlined in this Section.

18 A request for a waiver from mandates contained in this
19 School Code shall be submitted to the State Board within 15
20 days after approval by the board or regional superintendent of
21 schools. The application as submitted to the State Board of
22 Education shall include a description of the public hearing.
23 The description shall include, but need not be limited to, the
24 means of notice, the number of people in attendance, the number
25 of people who spoke as proponents or opponents of the waiver, a
26 brief description of their comments, and whether there were any

1 written statements submitted. The State Board shall review the
2 applications and requests for completeness and shall compile
3 the requests in reports to be filed with the General Assembly.
4 The State Board shall file reports outlining the waivers
5 requested by eligible applicants and appeals by eligible
6 applicants of requests disapproved by the State Board with the
7 Senate and the House of Representatives before each March 1 and
8 October 1.

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

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

12 (2) the Minority Leader of the House of
13 Representatives;

14 (3) the President of the Senate; and

15 (4) the Minority Leader of the Senate.

16 The State Board of Education may provide the panel
17 recommendations on waiver requests. The members of the panel
18 shall review the report submitted by the State Board of
19 Education and submit to the State Board of Education any notice
20 of further consideration to any waiver request within 14 days
21 after the member receives the report. If 3 or more of the panel
22 members submit a notice of further consideration to any waiver
23 request contained within the report, the State Board of
24 Education shall submit the waiver request to the General
25 Assembly for consideration. If less than 3 panel members submit
26 a notice of further consideration to a waiver request, the

1 waiver may be approved, denied, or modified by the State Board.
2 If the State Board does not act on a waiver request within 10
3 days, then the waiver request is approved. If the waiver
4 request is denied by the State Board, it shall submit the
5 waiver request to the General Assembly for consideration.

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.)

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