

1 AN ACT relating to schools.

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  
5 Section 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 Notwithstanding any other provisions of this School Code or  
10 any other law of this State to the contrary, school districts  
11 may petition the State Board of Education for the waiver or  
12 modification of the mandates of this School Code or of the  
13 administrative rules and regulations promulgated by the State  
14 Board of Education. Waivers or modifications of  
15 administrative rules and regulations and modifications of  
16 mandates of this School Code may be requested when a school  
17 district demonstrates that it can address the intent of the  
18 rule or mandate in a more effective, efficient, or economical  
19 manner or when necessary to stimulate innovation or improve  
20 student performance. Waivers of mandates of the School Code  
21 may be requested when the waivers are necessary to stimulate  
22 innovation or improve student performance. Waivers may not  
23 be requested from laws, rules, and regulations pertaining to  
24 special education, teacher certification, or teacher tenure  
25 and seniority.

26 School districts, as a matter of inherent managerial  
27 policy, and any Independent Authority established under  
28 Section 2-3.25f may submit an application for a waiver or  
29 modification authorized under this Section. Each application  
30 must include a written request by the school district or  
31 Independent Authority and must demonstrate that the intent of

1 the mandate can be addressed in a more effective, efficient,  
2 or economical manner or be based upon a specific plan for  
3 improved student performance and school improvement. Any  
4 district requesting a waiver or modification for the reason  
5 that intent of the mandate can be addressed in a more  
6 economical manner shall include in the application a fiscal  
7 analysis showing current expenditures on the mandate and  
8 projected savings resulting from the waiver or modification.  
9 Applications and plans developed by school districts must be  
10 approved by each board of education following a public  
11 hearing on the application and plan and the opportunity for  
12 the board to hear testimony from educators directly involved  
13 in its implementation, parents, and students. The public  
14 hearing must be preceded by at least one published notice  
15 occurring at least 7 days prior to the hearing in a newspaper  
16 of general circulation within the school district that sets  
17 forth the time, date, place, and general subject matter of  
18 the hearing. The school district must notify in writing the  
19 affected exclusive collective bargaining agent of the  
20 district's intent to seek approval of a waiver or  
21 modification and of the hearing to be held to take testimony  
22 from educators. The affected exclusive collective bargaining  
23 agents shall be notified of such public hearing at least 7  
24 days prior to the date of the hearing and shall be allowed to  
25 attend such public hearing.

26 A request for a waiver or modification of administrative  
27 rules and regulations or for a modification of mandates  
28 contained in this School Code shall be submitted to the State  
29 Board of Education within 15 days after approval by the board  
30 of education. Following receipt of the request, the State  
31 Board shall have 45 days to review the application and  
32 request. If the State Board fails to disapprove the  
33 application within that 45 day period, the waiver or  
34 modification shall be deemed granted. The State Board may

1 disapprove any request if it is not based upon sound  
2 educational practices, endangers the health or safety of  
3 students or staff, compromises equal opportunities for  
4 learning, or fails to demonstrate that the intent of the rule  
5 or mandate can be addressed in a more effective, efficient,  
6 or economical manner or have improved student performance as  
7 a primary goal. Any request disapproved by the State Board  
8 may be appealed to the General Assembly by the requesting  
9 school district as outlined in this Section.

10 A request for a waiver from mandates contained in this  
11 School Code shall be submitted to the State Board within 15  
12 days after approval by the board of education. The State  
13 Board shall review the applications and requests for  
14 completeness and shall compile the requests in reports to be  
15 filed with the General Assembly. The State Board shall file  
16 reports outlining the waivers requested by school districts  
17 and appeals by school districts of requests disapproved by  
18 the State Board with the Senate and the House of  
19 Representatives before each May 1 and October 1. The General  
20 Assembly may disapprove the report of the State Board in  
21 whole or in part within 30 calendar days after each house of  
22 the General Assembly next convenes after the report is filed  
23 by adoption of a resolution by a record vote of the majority  
24 of members elected in each house. If the General Assembly  
25 fails to disapprove any waiver request or appealed request  
26 within such 30 day period, the waiver or modification shall  
27 be deemed granted. Any resolution adopted by the General  
28 Assembly disapproving a report of the State Board in whole or  
29 in part shall be binding on the State Board.

30 An approved waiver or modification may remain in effect  
31 for a period not to exceed 5 school years and may be renewed  
32 upon application by the school district. However, such waiver  
33 or modification may be changed within that 5-year period by a  
34 local school district board following the procedure as set

1     forth in this Section for the initial waiver or modification  
2     request. If neither the State Board of Education nor the  
3     General Assembly disapproves, the change is deemed granted.

4             On or before February 1, 1998, and each year thereafter,  
5     the State Board of Education shall submit a cumulative report  
6     summarizing all types of waiver mandates and modifications of  
7     mandates granted by the State Board or the General Assembly.  
8     The report shall identify the topic of the waiver along with  
9     the number and percentage of school districts for which the  
10    waiver has been granted. The report shall also include any  
11    recommendations from the State Board regarding the repeal or  
12    modification of waived mandates.

13    (Source: P.A. 89-3, eff. 2-27-95; 89-626, eff. 8-9-96; 90-62,  
14    eff. 7-3-97; 90-462, eff. 8-17-97; 90-655, eff. 7-30-98.)