

1 AN ACT to amend the School Code by changing Section
2 2-3.25g.

3 Be it enacted by the People of the State of Illinois,
4 represented in the General Assembly:

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

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

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

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

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

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

34 An approved waiver or modification may remain in effect

1 for a period not to exceed 5 school years and may be renewed
2 upon application by the school district. However, such waiver
3 or modification may be changed within that 5-year period by a
4 local school district board following the procedure as set
5 forth in this Section for the initial waiver or modification
6 request. If neither the State Board of Education, the
7 Senate, nor the House of Representatives General-Assembly
8 disapproves, the change is deemed granted.

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

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

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.