

1 AN ACT respecting 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
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. Waivers may not be requested from laws or
26 rules relating to township treasurers as set forth in Section
27 5-1 of this Code. Waivers may not be requested from laws or
28 rules relating to student safety or student health, as
29 determined by the State Board of Education by rule.

30 School districts, as a matter of inherent managerial
31 policy, and any Independent Authority established under

1 Section 2-3.25f may submit an application for a waiver or
2 modification authorized under this Section. Each application
3 must include a written request by the school district or
4 Independent Authority and must demonstrate that the intent of
5 the mandate can be addressed in a more effective, efficient,
6 or economical manner or be based upon a specific plan for
7 improved student performance and school improvement. Any
8 district requesting a waiver or modification for the reason
9 that intent of the mandate can be addressed in a more
10 economical manner shall include in the application a fiscal
11 analysis showing current expenditures on the mandate and
12 projected savings resulting from the waiver or modification.
13 Applications and plans developed by school districts must be
14 approved by each board of education following a public
15 hearing on the application and plan and the opportunity for
16 the board to hear testimony from educators directly involved
17 in its implementation, parents, and students. The public
18 hearing must be preceded by at least one published notice
19 occurring at least 7 days prior to the hearing in a newspaper
20 of general circulation within the school district that sets
21 forth the time, date, place, and general subject matter of
22 the hearing. The school district must notify in writing the
23 affected exclusive collective bargaining agent of the
24 district's intent to seek approval of a waiver or
25 modification and of the hearing to be held to take testimony
26 from educators. The affected exclusive collective bargaining
27 agents shall be notified of such public hearing at least 7
28 days prior to the date of the hearing and shall be allowed to
29 attend such public hearing.

30 A request for a waiver or modification of administrative
31 rules and regulations or for a modification of mandates
32 contained in this School Code shall be submitted to the State
33 Board of Education within 15 days after approval by the board
34 of education. Following receipt of the request, the State

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

14 A request for a waiver from mandates contained in this
15 School Code shall be submitted to the State Board within 15
16 days after approval by the board of education. The State
17 Board shall review the applications and requests for
18 completeness and shall compile the requests in reports to be
19 filed with the General Assembly. The State Board shall file
20 reports outlining the waivers requested by school districts
21 and appeals by school districts of requests disapproved by
22 the State Board with the Senate and the House of
23 Representatives before each May 1 and October 1. The General
24 Assembly may disapprove the report of the State Board in
25 whole or in part within 30 calendar days after each house of
26 the General Assembly next convenes after the report is filed
27 by adoption of a resolution by a record vote of the majority
28 of members elected in each house. If the General Assembly
29 fails to disapprove any waiver request or appealed request
30 within such 30 day period, the waiver or modification shall
31 be deemed granted. Any resolution adopted by the General
32 Assembly disapproving a report of the State Board in whole or
33 in part shall be binding on the State 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 nor the
7 General Assembly disapproves, the change is deemed granted.

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

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

19 Section 99. Effective date. This Act takes effect on
20 January 1, 2004.