

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 Sections
5 2-3.11d and 2-3.25g as follows:

6 (105 ILCS 5/2-3.11d)

7 Sec. 2-3.11d. Data on tests required for teacher
8 preparation and certification. Beginning with the effective
9 date of this amendatory Act of the 94th General Assembly, to
10 collect and maintain all of the following data for each
11 institution of higher education engaged in teacher preparation
12 in this State:

13 (1) The number of individuals taking the test of basic
14 skills under Section 21-1a of this Code.

15 (2) The number of individuals passing the test of basic
16 skills under Section 21-1a of this Code.

17 (3) The total number of subject-matter tests attempted
18 under Section 21-1a of this Code.

19 (4) The total number of subject-matter tests passed
20 under Section 21-1a of this Code.

21 The data regarding subject-matter tests shall be reported in
22 sum, rather than by separately listing each subject, in order
23 to better protect the identity of the test-takers.

1 On or before August 1, 2007, the State Board of Education
2 shall file with the General Assembly and the Governor and shall
3 make available to the public a report listing the institutions
4 of higher education engaged in teacher preparation in this
5 State, along with the data listed in items (1) and (2) of this
6 Section pertinent to each institution.

7 On or before October 1, 2012 ~~August 1, 2009~~ and every 3
8 years thereafter, the State Board of Education shall file with
9 the General Assembly and the Governor and shall make available
10 to the public a report listing the institutions of higher
11 education engaged in teacher preparation in this State, along
12 with the data listed in items (1) through (4) of this Section
13 pertinent to each institution.

14 (Source: P.A. 94-935, eff. 6-26-06.)

15 (105 ILCS 5/2-3.25g) (from Ch. 122, par. 2-3.25g)

16 Sec. 2-3.25g. Waiver or modification of mandates within the
17 School Code and administrative rules and regulations.

18 (a) In this Section:

19 "Board" means a school board or the governing board or
20 administrative district, as the case may be, for a joint
21 agreement.

22 "Eligible applicant" means a school district, joint
23 agreement made up of school districts, or regional
24 superintendent of schools on behalf of schools and programs
25 operated by the regional office of education.

1 "Implementation date" has the meaning set forth in
2 Section 24A-2.5 of this Code.

3 "State Board" means the State Board of Education.

4 (b) Notwithstanding any other provisions of this School
5 Code or any other law of this State to the contrary, eligible
6 applicants may petition the State Board of Education for the
7 waiver or modification of the mandates of this School Code or
8 of the administrative rules and regulations promulgated by the
9 State Board of Education. Waivers or modifications of
10 administrative rules and regulations and modifications of
11 mandates of this School Code may be requested when an eligible
12 applicant demonstrates that it can address the intent of the
13 rule or mandate in a more effective, efficient, or economical
14 manner or when necessary to stimulate innovation or improve
15 student performance. Waivers of mandates of the School Code may
16 be requested when the waivers are necessary to stimulate
17 innovation or improve student performance. Waivers may not be
18 requested from laws, rules, and regulations pertaining to
19 special education, teacher certification, teacher tenure and
20 seniority, or Section 5-2.1 of this Code or from compliance
21 with the No Child Left Behind Act of 2001 (Public Law 107-110).
22 On and after the applicable implementation date, eligible
23 applicants may not seek a waiver or seek a modification of a
24 mandate regarding the requirements for (i) student performance
25 data to be a significant factor in teacher or principal
26 evaluations or (ii) for teachers and principals to be rated

1 using the 4 categories of "excellent", "proficient", "needs
2 improvement", or "unsatisfactory". On the applicable
3 implementation date, any previously authorized waiver or
4 modification from such requirements shall terminate.

5 (c) Eligible applicants, as a matter of inherent managerial
6 policy, and any Independent Authority established under
7 Section 2-3.25f may submit an application for a waiver or
8 modification authorized under this Section. Each application
9 must include a written request by the eligible applicant or
10 Independent Authority and must demonstrate that the intent of
11 the mandate can be addressed in a more effective, efficient, or
12 economical manner or be based upon a specific plan for improved
13 student performance and school improvement. Any eligible
14 applicant requesting a waiver or modification for the reason
15 that intent of the mandate can be addressed in a more
16 economical manner shall include in the application a fiscal
17 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. If the applicant is a school district or
3 joint agreement requesting a waiver or modification of Section
4 27-6 of this Code, the public hearing shall be held on a day
5 other than the day on which a regular meeting of the board is
6 held. If the applicant is a school district, the public hearing
7 must be preceded by at least one published notice occurring at
8 least 7 days prior to the hearing in a newspaper of general
9 circulation within the school district that sets forth the
10 time, date, place, and general subject matter of the hearing.
11 If the applicant is a joint agreement or regional
12 superintendent, the public hearing must be preceded by at least
13 one published notice (setting forth the time, date, place, and
14 general subject matter of the hearing) occurring at least 7
15 days prior to the hearing in a newspaper of general circulation
16 in each school district that is a member of the joint agreement
17 or that is served by the educational service region, provided
18 that a notice appearing in a newspaper generally circulated in
19 more than one school district shall be deemed to fulfill this
20 requirement with respect to all of the affected districts. The
21 eligible applicant must notify in writing the affected
22 exclusive collective bargaining agent and those State
23 legislators representing the eligible applicant's territory of
24 its intent to seek approval of a waiver or modification and of
25 the hearing to be held to take testimony from staff. The
26 affected exclusive collective bargaining agents shall be

1 notified of such public hearing at least 7 days prior to the
2 date of the hearing and shall be allowed to attend such public
3 hearing. The eligible applicant shall attest to compliance with
4 all of the notification and procedural requirements set forth
5 in this Section.

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

26 A request for a waiver from mandates contained in this

1 School Code shall be submitted to the State Board within 15
2 days after approval by the board or regional superintendent of
3 schools. The application as submitted to the State Board of
4 Education shall include a description of the public hearing.
5 The description shall include, but need not be limited to, the
6 means of notice, the number of people in attendance, the number
7 of people who spoke as proponents or opponents of the waiver, a
8 brief description of their comments, and whether there were any
9 written statements submitted. The State Board shall review the
10 applications and requests for completeness and shall compile
11 the requests in reports to be filed with the General Assembly.
12 The State Board shall file reports outlining the waivers
13 requested by eligible applicants and appeals by eligible
14 applicants of requests disapproved by the State Board with the
15 Senate and the House of Representatives before each March 1 and
16 October 1. The General Assembly may disapprove the report of
17 the State Board in whole or in part within 60 calendar days
18 after each house of the General Assembly next convenes after
19 the report is filed by adoption of a resolution by a record
20 vote of the majority of members elected in each house. If the
21 General Assembly fails to disapprove any waiver request or
22 appealed request within such 60 day period, the waiver or
23 modification shall be deemed granted. Any resolution adopted by
24 the General Assembly disapproving a report of the State Board
25 in whole or in part shall be binding on the State Board.

26 (e) An approved waiver or modification (except a waiver

1 from or modification to a physical education mandate) may
2 remain in effect for a period not to exceed 5 school years and
3 may be renewed upon application by the eligible applicant.
4 However, such waiver or modification may be changed within that
5 5-year period by a board or regional superintendent of schools
6 applying on behalf of schools or programs operated by the
7 regional office of education following the procedure as set
8 forth in this Section for the initial waiver or modification
9 request. If neither the State Board of Education nor the
10 General Assembly disapproves, the change is deemed granted.

11 An approved waiver from or modification to a physical
12 education mandate may remain in effect for a period not to
13 exceed 2 school years and may be renewed no more than 2 times
14 upon application by the eligible applicant. An approved waiver
15 from or modification to a physical education mandate may be
16 changed within the 2-year period by the board or regional
17 superintendent of schools, whichever is applicable, following
18 the procedure set forth in this Section for the initial waiver
19 or modification request. If neither the State Board of
20 Education nor the General Assembly disapproves, the change is
21 deemed granted.

22 (f) (Blank). ~~On or before February 1, 1998, and each year~~
23 ~~thereafter, the State Board of Education shall submit a~~
24 ~~cumulative report summarizing all types of waivers of mandates~~
25 ~~and modifications of mandates granted by the State Board or the~~
26 ~~General Assembly. The report shall identify the topic of the~~

~~waiver along with the number and percentage of eligible applicants for which the waiver has been granted. The report shall also include any recommendations from the State Board regarding the repeal or modification of waived mandates.~~

(Source: P.A. 95-223, eff. 1-1-08; 96-861, eff. 1-15-10.)

Section 10. The School Construction Law is amended by changing Section 5-200 as follows:

(105 ILCS 230/5-200)

Sec. 5-200. School energy efficiency grants.

(a) The State Board of Education is authorized to make grants to school districts, without regard to enrollment, for school energy efficiency projects. These grants shall be paid out of moneys appropriated for that purpose from the School Infrastructure Fund. No grant under this Section for one fiscal year shall exceed \$250,000, but a school district may receive grants for more than one project during one fiscal year. A school district must provide local matching funds in an amount equal to the amount of the grant under this Section. A school district has no entitlement to a grant under this Section.

(b) The State Board of Education shall adopt rules to implement this Section. These rules need not be the same as the rules for school construction project grants or school maintenance project grants. The rules may specify:

(1) the manner of applying for grants;

- 1 (2) project eligibility requirements;
- 2 (3) restrictions on the use of grant moneys;
- 3 (4) the manner in which school districts must account
- 4 for the use of grant moneys; and
- 5 (5) any other provision that the State Board determines
- 6 to be necessary or useful for the administration of this
- 7 Section.

8 (c) In each school year in which school energy efficiency

9 project grants are awarded, 20% of the total amount awarded

10 shall be awarded to a school district in a city with a

11 population of more than 500,000, provided that the school

12 district complies with the requirements of this Section and the

13 rules adopted under this Section.

14 (Source: P.A. 96-37, eff. 7-13-09.)

15 Section 99. Effective date. This Act takes effect July 1,

16 2010.