



Rep. Linda Chapa LaVia

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09800HB3940ham002

LRB098 15501 NHT 57847 a

1 AMENDMENT TO HOUSE BILL 3940

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3940 by replacing  
3 everything after the enacting clause with the following:

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.

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          Beginning with the 2020-2021 school year, waivers or  
23          modifications may not be requested from laws, rules, and  
24          regulations pertaining to physical education. Eligible  
25          applicants may not seek a waiver or seek a modification of a  
26          mandate regarding the requirements for (i) student performance

1 data to be a significant factor in teacher or principal  
2 evaluations or (ii) for teachers and principals to be rated  
3 using the 4 categories of "excellent", "proficient", "needs  
4 improvement", or "unsatisfactory". On September 1, 2014, any  
5 previously authorized waiver or modification from such  
6 requirements shall terminate.

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

1 involved in its implementation, parents, and students. The time  
2 period for such testimony shall be separate from the time  
3 period established by the eligible applicant for public comment  
4 on other matters. If the applicant is a school district or  
5 joint agreement requesting a waiver or modification of Section  
6 27-6 of this Code, the public hearing shall be held on a day  
7 other than the day on which a regular meeting of the board is  
8 held.

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

1 on its Internet website at least 14 days prior to the hearing.  
2 If the joint agreement or regional superintendent is requesting  
3 to increase the fee charged for driver education authorized  
4 pursuant to Section 27-24.2 of this Code, the website  
5 information shall include the proposed amount of the fee the  
6 applicant will request. All joint agreements and regional  
7 superintendents must publish a notice of the public hearing at  
8 least 7 days prior to the hearing in a newspaper of general  
9 circulation in each school district that is a member of the  
10 joint agreement or that is served by the educational service  
11 region that sets forth the time, date, place, and general  
12 subject matter of the hearing, provided that a notice appearing  
13 in a newspaper generally circulated in more than one school  
14 district shall be deemed to fulfill this requirement with  
15 respect to all of the affected districts. Joint agreements or  
16 regional superintendents requesting to increase the fee  
17 charged for driver education shall include in the published  
18 notice the proposed amount of the fee the applicant will  
19 request. The eligible applicant must notify in writing the  
20 affected exclusive collective bargaining agent and those State  
21 legislators representing the eligible applicant's territory of  
22 its intent to seek approval of a waiver or modification and of  
23 the hearing to be held to take testimony from staff. The  
24 affected exclusive collective bargaining agents shall be  
25 notified of such public hearing at least 7 days prior to the  
26 date of the hearing and shall be allowed to attend such public

1 hearing. The eligible applicant shall attest to compliance with  
2 all of the notification and procedural requirements set forth  
3 in this Section.

4 (d) A request for a waiver or modification of  
5 administrative rules and regulations or for a modification of  
6 mandates contained in this School Code shall be submitted to  
7 the State Board of Education within 15 days after approval by  
8 the board or regional superintendent of schools. The  
9 application as submitted to the State Board of Education shall  
10 include a description of the public hearing. Except with  
11 respect to contracting for adaptive driver education, an  
12 eligible applicant wishing to request a modification or waiver  
13 of administrative rules of the State Board of Education  
14 regarding contracting with a commercial driver training school  
15 to provide the course of study authorized under Section 27-24.2  
16 of this Code must provide evidence with its application that  
17 the commercial driver training school with which it will  
18 contract holds a license issued by the Secretary of State under  
19 Article IV of Chapter 6 of the Illinois Vehicle Code and that  
20 each instructor employed by the commercial driver training  
21 school to provide instruction to students served by the school  
22 district holds a valid teaching certificate or teaching  
23 license, as applicable, issued under the requirements of this  
24 Code and rules of the State Board of Education. Such evidence  
25 must include, but need not be limited to, a list of each  
26 instructor assigned to teach students served by the school

1 district, which list shall include the instructor's name,  
2 personal identification number as required by the State Board  
3 of Education, birth date, and driver's license number. If the  
4 modification or waiver is granted, then the eligible applicant  
5 shall notify the State Board of Education of any changes in the  
6 personnel providing instruction within 15 calendar days after  
7 an instructor leaves the program or a new instructor is hired.  
8 Such notification shall include the instructor's name,  
9 personal identification number as required by the State Board  
10 of Education, birth date, and driver's license number. If a  
11 school district maintains an Internet website, then the  
12 district shall post a copy of the final contract between the  
13 district and the commercial driver training school on the  
14 district's Internet website. If no Internet website exists,  
15 then the district shall make available the contract upon  
16 request. A record of all materials in relation to the  
17 application for contracting must be maintained by the school  
18 district and made available to parents and guardians upon  
19 request. The instructor's date of birth and driver's license  
20 number and any other personally identifying information as  
21 deemed by the federal Driver's Privacy Protection Act of 1994  
22 must be redacted from any public materials. Following receipt  
23 of the waiver or modification request, the State Board shall  
24 have 45 days to review the application and request. If the  
25 State Board fails to disapprove the application within that 45  
26 day period, the waiver or modification shall be deemed granted.

1 The State Board may disapprove any request if it is not based  
2 upon sound educational practices, endangers the health or  
3 safety of students or staff, compromises equal opportunities  
4 for learning, or fails to demonstrate that the intent of the  
5 rule or mandate can be addressed in a more effective,  
6 efficient, or economical manner or have improved student  
7 performance as a primary goal. Any request disapproved by the  
8 State Board may be appealed to the General Assembly by the  
9 eligible applicant 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 or regional superintendent of  
13 schools. The application as submitted to the State Board of  
14 Education shall include a description of the public hearing.  
15 The description shall include, but need not be limited to, the  
16 means of notice, the number of people in attendance, the number  
17 of people who spoke as proponents or opponents of the waiver, a  
18 brief description of their comments, and whether there were any  
19 written statements submitted. The State Board shall review the  
20 applications and requests for completeness and shall compile  
21 the requests in reports to be filed with the General Assembly.  
22 The State Board shall file reports outlining the waivers  
23 requested by eligible applicants and appeals by eligible  
24 applicants of requests disapproved by the State Board with the  
25 Senate and the House of Representatives before each March 1 and  
26 October 1. The General Assembly may disapprove the report of



1 the State Board in whole or in part within 60 calendar days  
2 after each house of the General Assembly next convenes after  
3 the report is filed by adoption of a resolution by a record  
4 vote of the majority of members elected in each house. If the  
5 General Assembly fails to disapprove any waiver request or  
6 appealed request within such 60 day period, the waiver or  
7 modification shall be deemed granted. Any resolution adopted by  
8 the General Assembly disapproving a report of the State Board  
9 in whole or in part shall be binding on the State Board.

10 (e) An approved waiver or modification (except a waiver  
11 from or modification to a physical education mandate approved  
12 for school years before the 2020-2021 school year) may remain  
13 in effect for a period not to exceed 5 school years and may be  
14 renewed upon application by the eligible applicant. However,  
15 such waiver or modification may be changed within that 5-year  
16 period by a board or regional superintendent of schools  
17 applying on behalf of schools or programs operated by the  
18 regional office of education following the procedure as set  
19 forth in this Section for the initial waiver or modification  
20 request. If neither the State Board of Education nor the  
21 General Assembly disapproves, the change is deemed granted.

22 A ~~An approved~~ waiver from or modification to a physical  
23 education mandate approved for school years before the  
24 2020-2021 school year may remain in effect for a period not to  
25 exceed 2 school years and may be renewed no more than 2 times  
26 upon application by the eligible applicant, as long as the

1 applicant's final request is submitted to the General Assembly  
2 no later than the spring of 2018 to ensure that the waiver, if  
3 approved, will expire at the end of the 2019-2020 school year.

4 An approved waiver from or modification to a physical education  
5 mandate may be changed within the 2-year period by the board or  
6 regional superintendent of schools, whichever is applicable,  
7 following the procedure set forth in this Section for the  
8 initial waiver or modification request. If neither the State  
9 Board of Education nor the General Assembly disapproves, the  
10 change is deemed granted.

11 (f) (Blank).

12 (Source: P.A. 97-1025, eff. 1-1-13; 98-513, eff. 1-1-14.)".