

Board of Education

Exhibit – Waiver and Modification Request Process

Actor	Action
Superintendent or designee	<p>Develops a plan supporting a waiver or modification request that meets the criteria contained in 105 ILCS 5/2-3.25g.</p> <p>Based on the plan, completes a preliminary application on an ISBE form.</p> <p>Districts may petition ISBE for a waiver or modification of the mandates in <u>The School Code</u> or ISBE administrative rules.</p> <p>For a waiver or modification of administrative rules or modification of <u>Code</u> mandates, the District must demonstrate that: (1) it can address the intent of the rule or mandate in a more effective, efficient, or economical manner, or (2) a waiver or modification of the rule or mandate is necessary to stimulate innovation or improve student performance.</p> <p>For a waiver of mandates in <u>The School Code</u>, a District must demonstrate the waiver is necessary to stimulate innovation or improve student performance. Waivers may not be requested from laws, rules, and regulations pertaining to special education, teacher certification, or teacher tenure and seniority.</p> <p>Identifies a date for a public hearing on the proposed waiver or modification request on a day <i>other than</i> on which a regular Board meeting is held (105 ILCS 5/2-3.25g, as amended by P.A. 93-557).</p> <p>Publishes notice in a newspaper of general circulation within District of the date, time, place, and general subject matter of a public hearing on the proposed waiver or modification request. This notice must be published at least 7 days before the hearing (105 ILCS 5/2-3.25g).</p> <p>Makes all arrangements for a special meeting of the Board.</p> <p>Notifies in writing all affected exclusive bargaining agents, as well as those State legislators representing the District, when a public hearing will be held on the District's intent to seek a waiver or modification (105 ILCS 5/2-3.25g, as amended by P.A. 93-557).</p>
School Board	<p>Holds a public hearing in an open meeting on the waiver or modification. Educators directly involved in its implementation, parents, and students must be allowed to testify (105 ILCS 5/2-3.25g).</p> <p>On the hearing date or in subsequent open meeting, deliberates on the draft plan and application supporting a waiver or modification request; decides whether to approve the plan and application as amended to include a description of the public hearing.</p>

Actor	Action
	<p>A request for a waiver or modification of ISBE rules or for a modification of a mandate contained in <u>The School Code</u> must include a description of the public hearing.</p> <p>A request for waiver from a mandate contained in <u>The School Code</u> must include a description of the public hearing, including: the means of notice, the number of people in attendance, the number of people who spoke as proponents or opponents, a brief description of their comments, and whether there were any written statements submitted (105 ILCS 5/2-3.25g, as amended by P.A. 93-557).</p> <p>Either attests or authorizes the Superintendent to attest to compliance with all of the notification and procedural requirements (105 ILCS 5/2-3.25g, as amended by P.A. 93-557).</p>
Superintendent or designee	Within 15 days after approval by the School Board, submits the application to ISBE by certified mail, return receipt requested.
<i>For requests concerning a rule or a modification of <u>The School Code</u>: ISBE</i>	No action is required to approve a requested waiver or modification. Disapproval of a request must occur within 45 days following its receipt (105 ILCS 5/2-3.25g).
<i>For requests concerning a rule or a modification of <u>The School Code</u>: School Board</i>	To appeal disapproval by ISBE of a request, notifies ISBE that the District is appealing the disapproval to the General Assembly (105 ILCS 5/2-3.25g).
<i>For requests concerning a rule or a modification of <u>The School Code</u>: ISBE</i>	Files a report outlining appeals by School Districts of requests disapproved by ISBE with the Senate and House of Representatives by May 1 and October 1 each year (105 ILCS 5/2-3.25g).
<i>For requests of a waiver from a mandate contained in <u>The School Code</u>: ISBE</i>	Reviews applications for completeness and files a report with Senate and House of Representatives by May 1 and October 1 each year (105 ILCS 5/2-3.25g).
General Assembly	<p>No action is required to approve a requested waiver or appealed request.</p> <p>Disapproval of a request or appealed request must occur within 30 days after each house of the legislature next convenes after the report is filed by adoption of a resolution by a record vote of the majority of members elected in each house (105 ILCS 5/2-3.25g).</p>
School Board	May seek to renew an approved waiver or modification. A waiver or modification may remain in effect up to 5 school years (105 ILCS 5/2-3.25g).

Developed: November 2003

