

School Board

Exhibit - Waiver and Modification Request Resource Guide

Waiver or Modification	Explanation, Special Considerations, and Resources
<p>Exemptions from Unfunded Mandates, 105 ILCS 5/22-60.</p>	<p>Explanation</p> <p>Applies to unfunded or under-funded: (1) mandates in the School Code enacted after 8-20-10, or (2) regulatory mandates promulgated by ISBE and adopted by rule after 8-20-10, other than those promulgated with respect to 105 ILCS 5/22-60 or statutes already enacted on or before 8-20-10.</p> <p>Allows the District to petition its Regional Superintendent or a Suburban Cook County Intermediate Service Center, whichever is appropriate, to request exemption from implementing the mandate in school(s) in the next school year.</p> <p>Special Considerations</p> <ol style="list-style-type: none"> 1. Whether the significance of the unfunded or under-funded mandate justifies the effort needed to seek an exemption, and 2. The advisability of simultaneously seeking a waiver or modification using Section 2-3.25g (see <i>Explanation</i> section in the row below). <p>Resources</p> <p>ISBE Rules and Waivers division at: www.isbe.net/Pages/Waivers.aspx, (217) 782-5270, or waivers@isbe.net.</p>
<p>School Code Mandates and ISBE Rules, 105 ILCS 5/2-3.25g; 23 Ill. Admin Code §1.100(a).</p>	<p>Explanation</p> <p>The District may petition the General Assembly through ISBE for a <i>waiver</i> of School Code mandates.</p> <p>Another option for the District is to petition ISBE for one or more of the following:</p> <ol style="list-style-type: none"> 1. A <i>modification</i> of the mandates in the School Code (this is different than asking for a <i>waiver</i> of mandate in the School Code). 2. A <i>waiver</i> of ISBE administrative rules. 3. A <i>modification</i> of ISBE administrative rules. <p>For a <i>waiver of mandates in the School Code</i>, the District must demonstrate that the waiver is necessary to either (a) stimulate innovation or (b) improve student performance. Section 2-3.25g of the School Code lists mandates from</p>

which school districts may not seek a *waiver* or *modification*. Any previously authorized waiver or modification concerning requirements for student performance data to be a significant factor in evaluations or for using the 4 prescribed evaluation categories will terminate on 9-1-2014 (Id.)

For a *modification of the mandates in the School Code* and/or a *waiver or modification of administrative rules*, 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 either (a) stimulate innovation or (b) improve student performance.

The District must also provide certain notices as follows:

1. Publish a notice in a newspaper of general circulation within the 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 seven days before the hearing.
2. If there is no newspaper published in the county, give notice in a secular newspaper published in an adjoining county having general circulation within the District. 715 ILCS 5/2.
3. Post the time, date, place, and general subject matter of the public hearing on the District's website at least 14 days before the hearing. 105 ILCS 5/2-3.25g.

Check the ISBE website listed below in the *Special Considerations* section for changes in notice requirements.

Special Considerations

The District must develop a plan supporting a waiver or modification request that meets the criteria in 105 ILCS 5/2-3.25g. See

www.isbe.net/Pages/Overview-of-the-Waiver-Process.aspx. 105 ILCS 5/2-3.25g; 23 Ill.Admin.Code §1.100.

Resources

ISBE rules at:

23 Ill.Admin.Code §1.100 (*Waiver and Modification of State Board Rules and School Code Mandates*)

23 Ill.Admin.Code §1.110 (*Appeal Process Under Section 22-60 of the School Code*)

ISBE waivers at: www.isbe.net/Pages/Waivers.aspx

	<p>Waiver overview at: www.isbe.net/Pages/Overview-of-the-Waiver-Process.aspx</p> <p>Instructions at: www.isbe.net/Pages/Waiver-Application.aspx</p> <p>Application form at: www.isbe.net/documents/33-77_waiver_application.pdf</p>
<p>Physical Education, 105 ILCS 5/27-6. Driver Education, 105 ILCS 5/24.2 and 105 ILCS 5/2-3.25g. Contracting out with a commercial driver training school (CDTS) to provide the course of study authorized by 105 ILCS 5/27-24.2, 105 ILCS 5/2-3.25g.</p>	<p>Explanation See the <i>Explanation</i> section in the row above.</p> <p>Special Considerations In addition to the <i>Explanation</i> section above, waivers for:</p> <ol style="list-style-type: none"> 1. Physical education require the District to hold a public hearing on a day other than when a regular School Board meeting is held, i.e., a special meeting. 2. Driver education fee increases require the District to include the proposed amount of the fee increase: (a) in the public notice, and (b) on the District’s website. 105 ILCS 5/2-3.25g (c-5). Note: For a sample school district resolution to increase driver education fees, see 4:140-E3, <i>Resolution to Increase Driver Education Fees</i>. 3. Contracting out with a CDTS to provide the course of study authorized by 105 ILCS 5/27-24.2 requires specific documentation within the District’s application, along with posting of the final contract between the District and the CDTS on the District’s website. See 2:250-E2, <i>Immediately Available District Public Records and Web-Posted Reports and Records</i>. 105 ILCS 5/2-3.25g(d). <p>Resources See the <i>Resources</i> section in the row above.</p>
<p>Holidays, 105 ILCS 5/24-2(b).</p>	<p>Explanation Allows the District to hold school or schedule teachers’ institutes, parent-teacher conferences, or staff development on certain holidays without submitting a modification request to and obtaining approval from ISBE.</p> <p>After a public hearing, the District may hold school or schedule teachers’ institutes, parent-teacher conferences, or staff development on:</p> <ol style="list-style-type: none"> 1. The third Monday in January (Dr. Martin Luther King, Jr.’s Birthday);

	<ol style="list-style-type: none"> 2. February 12 (President Abraham Lincoln’s Birthday); 3. The first Monday in March (Casimir Pulaski Day); 4. The second Monday in October (Columbus Day); and/or 5. November 11 (Veterans Day). <p>Special Considerations</p> <p>The Board must provide notice before the public hearing to both educators and parents/guardians with: (1) the time, date, and place of the hearing, (2) a description of the proposal, and (3) information that testimony from educators and parents/guardians will be taken about the proposal during the hearing.</p> <p>The District must prepare a proposal for recognizing the person(s) honored by the holiday through instructional activities conducted on that day or, if the day is not used for student attendance, on the first school day preceding or following that day. The District may also consider aligning the proposal with Board policies 5:200, <i>Terms and Conditions of Employment and Dismissal</i>; 5:330, <i>Sick Days, Vacation, Holidays, and Leaves</i>; and 6:20, <i>School Year Calendar and Day</i>.</p> <p>Resources</p> <p>See <i>Holiday Modifications</i> on ISBE’s website at: www.isbe.net/Pages/Modifications-of-the-School-Codes-and-Rules-of-the-State-Board.aspx.</p>
<p>Parent-Teacher Conferences, 105 ILCS 5/18-8.05(F)(2)(d)(1.5).</p>	<p>Explanation</p> <p>Allows flexible scheduling options for parent-teacher conferences without the need to submit a formal waiver request through ISBE to the General Assembly. The District may count a parent-teacher conference as a full-day under any of the following configurations:</p> <ol style="list-style-type: none"> 1. A minimum of five clock-hours of parent-teacher conferences; 2. Both a minimum of two clock-hours of parent-teacher conferences held in the evening following a full day of student attendance, and a minimum of three clock-hours of parent-teacher conferences held on the day immediately following evening parent-teacher conferences; or 3. Multiple parent-teacher conferences held in the evenings following full days of student attendance, in which the time used for the parent-teacher conferences is equivalent to a minimum of five clock-hours.

	<p>Special Considerations</p> <p>Any other options not covered by the language above will require a waiver request to the General Assembly for its consideration.</p> <p>Resources</p> <p>See <i>Parent-Teacher Conference Waivers</i> on ISBE's website at: www.isbe.net/Pages/Waivers.aspx.</p>
--	--