

School Board

Exhibit - Waiver and Modification Request Resource Guide

Waiver or Modification	Explanation, Special Considerations, and Resources
<p>Waiver for Exemption 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 8-20-2010, or (2) regulatory mandates promulgated by ISBE and adopted by rule after 8-20-2010, other than those promulgated with respect to 105 ILCS 5/22-60 or statutes already enacted on or before 8-20-2010.</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 directly below). <p>Resources</p> <p>www.isbe.net/isbewaivers/ ISBE Rules and Waivers division at (217) 782-5270, or email waivers@isbe.net.</p>
<p>Waiver of School Code Mandates Waivers/Modification of ISBE Rules and Modifications of School Code Mandates, 105 ILCS 5/2-3.25g, amended by P.A. 97-1025.</p>	<p>Explanation</p> <p>Districts may petition the General Assembly through ISBE for a waiver of the School Code or petition ISBE for a modification of the mandates in the School Code or a waiver or modification of ISBE administrative rules.</p> <p>For a waiver or modification of administrative rules or modification of Code 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 the School Code, the District must demonstrate that the waiver is necessary to stimulate innovation or improve student performance. Section 2-3.25g, amended by P.A. 98-513, lists mandates from which school districts may not seek a waiver and/or modification. Any previously authorized waiver or</p>

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	<p>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 (<u>Id.</u>)</p> <p>The District must also provide certain notices as follows:</p> <ol style="list-style-type: none"> 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 7 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, amended by P.A. 97-1025. <p>Special Considerations</p> <p>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/isbewaivers/html/overview.htm. This process is essentially identical for school districts, joint agreements made up of school districts, and regional superintendents on behalf of schools, programs operated by the Regional Office of Education, and the governing board of an Intermediate Service Center (105 ILCS 5/2-3.25g; 23 Ill.Admin.Code §1.100).</p> <p>Resources</p> <p>ISBE rules:</p> <p style="padding-left: 40px;">23 Ill.Admin.Code §1.100 (<i>Waiver and Modification of State Board Rules and School Code Mandates</i>)</p> <p style="padding-left: 40px;">23 Ill.Admin.Code §1.110 (<i>Appeal Process Under Section 22-60 of the School Code</i>)</p> <p>ISBE waivers page: www.isbe.net/isbewaivers/default.htm</p> <p>Waiver overview: www.isbe.net/isbewaivers/html/overview.htm</p> <p>Instructions: www.isbe.net/isbewaivers/html/application.htm</p> <p>Application form: www.isbe.net/isbewaivers/pdf/33-77_waiver_application.pdf</p>

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<p>Physical Education, 105 ILCS 5/27-6. Drivers Education, 105 ILCS 5/24.2 and 105 ILCS 5/2-3.25g, amended by P.A. 97-1025.</p> <p>Contracting out with a commercial driver training school (CDTS) to provide the course of study authorized under 105 ILCS 5/27-24.2, 105 ILCS 5/2-3.25g, amended by P.A. 97-1025.</p>	<p>Explanation</p> <p>See the <i>Explanation</i> section of the immediately preceding row above labeled Waiver of School Code Mandates; Waivers/Modification of ISBE Rules and Regulations and Modifications of School Code Mandates.</p> <p>Special Considerations</p> <p>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., 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), amended by P.A. 97-1025. 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 under 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 (2:250-E2, <i>Immediately Available District Public Records and Web-Posted Reports and Records</i>). 105 ILCS 5/2-3.25g(d), amended by P.A. 97-1025. <p>Resources</p> <p>See the <i>Resources</i> section of the immediately preceding row above labeled Waiver of School Code Mandates; Waivers/Modification of ISBE Rules and Regulations and Modifications of School Code Mandates.</p>
<p>Holiday Modifications, 105 ILCS 5/24-2(b).</p>	<p>Explanation</p> <p>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 (the Birthday of Dr. Martin Luther King, Jr.); 2. February 12 (the Birthday of President Abraham Lincoln);

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	<ol style="list-style-type: none"> 3. The first Monday in March (known as Casimir Pulaski’s Birthday); 4. The second Monday in October (Columbus Day); and/or 5. November 11 (Veterans’ Day). <p>Special Considerations The Board must provide notice before the public hearing to both educators and parents 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 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 See <i>Holiday Modifications</i> on ISBE’s website at: www.isbe.net/isbewaivers/.</p>
<p>Parent-Teacher Conference Waivers, 105 ILCS 5/18-8.05(F)(2)(d)(1.5).</p>	<p>Explanation 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 as a full-day, parent-teacher conference, any of the following configurations:</p> <ol style="list-style-type: none"> 1. A minimum of 5 clock-hours of parent-teacher conferences; 2. Both a minimum of 2 clock-hours of parent-teacher conferences held in the evening following a full day of student attendance, and a minimum of 3 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 5 clock-hours. <p>Special Considerations Any other options not covered by the language above will require a waiver request to the General Assembly for its</p>

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	consideration. Resources See <i>Parent-Teacher Conference Waivers</i> on ISBE's website at: www.isbe.net/isbewaivers/ .

APPROVED:
