

School Board

Exhibit - Waiver and Modification Request Process

Requesting Exemption from Unfunded Mandate in Accordance with Section 22-60

Actor	Action
Superintendent or designee	<p>Identifies, as appropriate, 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. 105 ILCS 5/22-60, added by P.A. 96-1441.</p> <p>Considers:</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. <p>Informs the School Board of the above and recommends whether to petition the District's 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>105 ILCS 5/2-3.62, amended by P.A. 96-893, abolished the Regional Office of Education for Suburban Cook County and transferred its powers and duties to the respective Intermediate Service Center for each Suburban Cook County district.</p>
School Board	<p>Agrees with or rejects the Superintendent's recommendation.</p> <p>While no Board action is statutorily required before petitioning to discontinue or modify a mandate, Board approval is consistent with good governance principles.</p>
Superintendent or designee	<p>On or before February 15, petitions the District's Regional Superintendent or Intermediate Service Center, whichever is applicable, to request exemption from implementing the mandate in the next school year.</p> <p>The petition must include all legitimate costs associated with implementing and operating the mandate, the estimated reimbursement from State and federal sources, and any unique, verifiable circumstances that would cause the mandate's implementation and operation to be cost prohibitive.</p>
Regional Superintendent	<p>Reviews the petition.</p> <p>Convenes a public hearing to hear testimony from the District and interested community members.</p> <p>On or before March 15, informs the District of his or her decision, along with the reasons why the exemption was granted or denied, in writing.</p>
Superintendent or	<p>If granted, manages the exemption.</p>

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designee	If denied, implements the mandate in accordance with the applicable law or rule by the first student attendance day of the next school year.
District or District resident	On or before April 15, may appeal the decision of the Regional Superintendent or Suburban Cook County Intermediate Service Center to the State Superintendent of Education. The State Superintendent must hear appeals no later than May 15.
Superintendent or designee	If the District discontinues or modifies a mandated activity due to lack of full funding, annually maintains and updates a list of discontinued or modified mandates and provides the list to ISBE upon request.

Requesting a Waiver or Modification of ISBE Rules or School Code Mandates in Accordance with Section 2-3.25g¹

Actor	Action
Superintendent or designee	<p>Consults ISBE's rule and resources: ISBE rule: 23 Ill.Admin.Code §1.100 ISBE waivers page: www.isbe.net/isbewaivers/default.htm Waiver overview: www.isbe.net/isbewaivers/html/overview.htm Instructions: www.isbe.net/isbewaivers/html/application.htm Application form: www.isbe.net/isbewaivers/pdf/33-77_waiver_application.pdf</p> <p>Develops a plan supporting a waiver or modification request that meets the criteria contained in 105 ILCS 5/2-3.25g, amended by P.A. 96-861.</p> <p>An approved waiver or modification (except a waiver from or modification to a physical education mandate) may: (a) remain in effect for 5 school years and may be renewed upon a new application, and (b) be changed within that 5-year period by the Board using the procedure for an initial waiver or modification request.</p> <p>An approved waiver from or modification to a physical education mandate may: (a) remain in effect for 2 school years and may be renewed no more than 2 times, and (b) be changed within the 2-year period by the Board using the procedure for the initial waiver or modification request.</p> <p>Based on the plan, completes ISBE's preliminary application form.</p> <p>Districts may petition ISBE for a waiver or modification of the mandates in the School Code or 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</p>

¹ This process is essentially identical for school districts, joint agreements made up of school districts, and regional superintendents on behalf of schools and programs operated by the regional office of education (105 ILCS 5/2-3.25g; 23 Ill.Admin.Code §1.100).

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	<p>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, a District must demonstrate that the waiver is necessary to stimulate innovation or improve student performance. Section 2-3.25g, amended by P.A. 96-861, lists mandates from which districts may not seek a waiver or modification.</p> <p>Identifies a date for a public hearing on the proposed waiver or modification request. If the request concerns a waiver or modification of Section 27-6 of the School Code, (physical education requirements) the public hearing must be held on a day <i>other than</i> on which a regular School Board meeting is held.</p> <p>Publishes 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.</p> <p>If there is no newspaper published in the county, notice is given in a secular newspaper published in an adjoining county having general circulation within the District. 715 ILCS 5/2, amended by P.A. 96-1144.</p> <p>Makes all arrangements for the Board to hold a properly noticed meeting.</p> <p>Notifies in writing all affected exclusive bargaining agents, as well as those State legislators representing the District, of the public hearing concerning the District's intent to seek a waiver or modification.</p>
School Board	<p>Holds a public hearing in an open meeting on the waiver or modification. Staff directly involved in its implementation, parents, and students must be allowed to testify. The time period for testimony must be separate from the time period set aside for public comment.</p> <p>On the hearing date or in a 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> <p>A request for a waiver or modification of ISBE rules or for a modification of a mandate contained in the School Code must include a description of the public hearing.</p> <p>A request for waiver from a mandate contained in the School Code must also 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.</p> <p>Either attests or authorizes the Superintendent to attest to compliance with all of the notification and procedural requirements.</p>

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Superintendent or designee	Within 15 days after approval by the Board, submits the application to ISBE by certified mail, return receipt requested.
ISBE <i>For requests concerning a rule or a modification of the School Code</i>	No action is required to approve a requested waiver or modification. Disapproval of a request must occur within 45 days following its receipt. Files a report concerning any District appeal of requests disapproved by ISBE with the Senate and House of Representatives by March 1 and October 1 each year.
School Board <i>For requests concerning a rule or a modification of the School Code</i>	To appeal disapproval by ISBE of a request, notifies ISBE that the District is appealing the disapproval to the General Assembly.
ISBE <i>For requests of a waiver from a mandate in the School Code</i>	Reviews applications for completeness and files a report with Senate and House of Representatives by March 1 and October 1 each year.
General Assembly	No action is required to approve a waiver or appealed request. Disapproval of a request or appealed request must occur within 60 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.
School Board	May seek to renew an approved waiver or modification.

Holding School Events or Activities on School Holidays as Authorized by Section 24-2(b)

Actor	Action
Superintendent or designee	If appropriate, recommends that the Board use the authority in 105 ILCS 5/24-2(b), added by P.A. 96-640, to hold school or schedule teachers' institutes, parent-teacher conferences, or staff development on: <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); 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). Prepares 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. Aligns this 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> .
School Board	If the Board accepts the Superintendent's recommendation, holds a

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	<p>public hearing on the proposal.</p> <p>The District must provide notice preceding the public hearing to both educators and parents. The notice must set forth the time, date, and place of the hearing, describe the proposal, and indicate that the District will take testimony from educators and parents about the proposal.</p>

APPROVED: May 31, 2011