

**SCHOOL BOARD**

**Exhibit – Waiver and Modification Request Process**

<b>Actor</b>	<b>Action</b>
<b>Superintendent or designee</b>	<p>Develops a plan supporting a waiver or modification request that meets the criteria contained in <u>105 ILCS 5/2-3.25g</u>.</p> <p>Based on the plan, completes ISBE’s preliminary application form.                      Districts may petition ISBE for a waiver or modification of the mandates in <u>The School Code</u> or ISBE administrative rules.                      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.                      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. 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 Board meeting is held.</p> <p>Publishes 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>Makes all arrangements for a special meeting if necessary.</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.</p>
<b>School Board</b>	<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.                      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.                      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</p>

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<b>School Board</b>	<p>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>
<b>Superintendent or designee</b>	Within 15 days after approval by the School Board, submits the application to ISBE by certified mail, return receipt requested.
<b>For requests concerning a rule or a modification of <u>The School Code</u>: ISBE</b>	<p>No action is required to approve a requested waiver or modification. Disapproval of a request must occur within 45 days following its receipt.</p> <p>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.</p>
<b>For requests concerning a rule or a modification of <u>The School Code</u>: School Board</b>	To appeal disapproval by ISBE of a request, notifies ISBE that the District is appealing the disapproval to the General Assembly.
<b>For requests of a waiver from a mandate in <u>The School Code</u>: ISBE</b>	Reviews applications for completeness and files a report with Senate and House of Representatives by March 1 and October 1 each year (105 ILCS 5/2-3.25g, as amended by P.A. 94-198, eff. 1-1-06).
<b>General Assembly</b>	<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 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.</p>
<b>School Board</b>	May seek to renew an approved waiver or modification; they may remain in effect up to 5 school years.

Adopted 1-20-04  
Revised 12-19-05  
Revised 12-18-06