

The State Board of Education must file with the General Assembly each year a report that summarizes by topic area the waivers and modifications approved to date and lists the number and percentages of eligible applicants receiving such approvals. The most current report appears below.

January 30, 2009

TO: The Honorable John J. Cullerton, Senate President
The Honorable Christine Radogno, Senate Republican Leader
The Honorable Michael J. Madigan, Speaker of the House
The Honorable Tom Cross, House Republican Leader

FROM: Christopher A. Koch, Ed.D.
State Superintendent of Education

SUBJECT: Summary of Approved Waivers and Modifications: A Cumulative Report

As required by Section 2-3.25g of the School Code (105 ILCS 5/2-3.25g), this report summarizes the waivers and modifications approved either by the General Assembly or the Illinois State Board of Education. The report lists each by topic area and provides the number and percentage of eligible applicants for which the waiver or modification has been granted. In addition, the report contains recommendations for changes in law for certain requested waivers or modifications that have been approved.

If you have questions or comments, please contact Darren Reisberg, General Counsel, at 217-782-8535.

cc: The Honorable Pat Quinn, Governor
Mark Mahoney, Clerk of the House
Deborah Shipley, Secretary of the Senate
Legislative Research Unit
State Government Report Center

**SUMMARY OF APPROVED WAIVERS
AND MODIFICATIONS**

Cumulative Report -- 1995 - 2008

**Illinois State Board of Education
Rules and Waivers Division
February 2009**

**Jesse H. Ruiz, Chairman
State Board of Education**

**Christopher A. Koch, Ed.D.
State Superintendent of Education**

Foreword

The Illinois State Board of Education, pursuant to 105 ILCS 5/2-3.25g, must submit to the Illinois General Assembly on or before February 1 of each year a report listing "all types of waivers of mandates and modifications of mandates granted by the State Board of Education or the General Assembly . . . (identifying) the topic of the waiver along with the number and percentage of eligible applicants for which the waiver has been granted." In addition, the report must include any recommendations for amendments to or repeal of School Code mandates involved in the waivers or modifications. This is the twelfth report submitted under that law.

This cumulative report covers all waivers and modifications of School Code mandates or administrative rules granted as of January 2009 that have been included in waiver reports submitted to the General Assembly through October 1, 2008.

Christopher A. Koch, Ed.D.
State Superintendent of Education

Introduction

Summary of Approved Waivers and Modifications lists all requests that have been approved either by the Illinois State Board of Education or the General Assembly since March 1995, when the waiver law was amended to allow school districts to request waivers and modifications from almost all educational mandates contained in the School Code or in the State Board of Education's administrative rules.

The report identifies approved requests alphabetically by general category followed by topic area (with statutory or rule citation); lists the total number of requests granted, including a breakdown by entity granting the request; and identifies the number of school districts for which these requests have been granted and the percentage that number represents out of the state's 870 school districts operating as of fall 2008. Three additional subsections report the waivers and modifications granted to area vocational centers, regional offices of education, and special education cooperatives. The summary is presented in chart form. The report includes comments on potential changes in laws that are the subject of approved waivers or modifications.

Summary Chart

The chart organizes the 4,969 waiver and modification requests approved as of October 2008 into seven general categories: Accountability; Calendar/Instructional Time Issues; Course Offerings; Employment Issues; Fiscal Issues; Governance; and Health and Safety. Under each category, approved waivers and modifications are further delineated by topic area. In some instances, large topic areas (i.e., "Driver Education," "Holidays," and "Physical Education") are further subdivided for clarity.

Often a single eligible applicant will submit a request in more than one area or several in a single area. Therefore, the total number of petitions will exceed the number of eligible applicants receiving approval. To date, 931 school districts, or 107 percent of districts statewide, have been granted waivers or modifications of School Code mandates or of mandates contained in administrative rules. (This number includes districts that have consolidated or no longer exist.) In addition, 13 area vocational centers (36 percent), 31 regional offices of education (69 percent), and 35 special education cooperatives (52 percent) have been granted waivers or modifications.

Recommendations and Discussion

In requiring that a cumulative report on approved waivers and modifications be submitted each year, the General Assembly recognized that the waiver process could raise policy and administrative issues that need to be considered separately from individual requests. As it has the last several years, the cumulative waiver report examines legally mandated school holidays and makes specific recommendations for legislative changes in that area. It also makes recommendations regarding use of parent-teacher conference time and the fees charged of students for driver's education.

Recommendations and Discussion

Legislative Recommendations

The following recommendations propose amendments to the School Code in the areas of legally mandated school holidays and parent-teacher conferences.

Holidays

Since 1995, 103.1 percent of school districts statewide have received approval for relief from the requirements of Section 24-2 of the School Code regarding legally mandated school holidays (this number includes districts that have consolidated or no longer exist.). In the last year, school districts submitted 272 holiday requests that received approval from the State Board of Education; of those requests, 13 were from school districts seeking relief for the first time. For the 2008-09 school year, 827 districts – 95 percent – have holiday modifications that are currently in effect.

In addition, 32 percent of area vocational centers, 69 percent of regional offices of education and 50 percent of special education cooperatives also have been granted holiday modifications. Overall, 2,965 applications have been approved since 1995 to allow these school districts and other entities to use legally mandated school holidays for purposes other than school dismissal.

In each cumulative report submitted since 1998, the State Board has recommended that the law be changed to accommodate the needs of districts to use legally mandated school holidays for other purposes. Since 2002, six bills have been introduced to incorporate this recommendation. One such bill from 2007 did pass the House but all others, including the latest bill in 2008, progressed no further than committee consideration. Each bill would have allowed school districts and other eligible entities to schedule school attendance, teacher institutes, or parent-teacher conferences on any of five of the 12 legally mandated holidays listed in the School Code, and two bills would have also allowed inservice training to take place on such days. The holidays could be used for these purposes provided that the district recognized the person or persons being honored by the holiday through instructional activities. The holidays included in the proposed legislation and in staff's recommendation are those honoring Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars.

Given the large number of holiday petitions processed by the agency (297 petitions from districts and other applicants during the time covered by this cumulative report, with 13 requests from districts seeking relief for the first time), it is reasonable to continue to suggest to the General Assembly that an amendment to Section 24-2 would be appropriate. This proposal, to be part of the State Board's legislative package for the Spring 2009 session, would allow school districts and other entities eligible to apply for modifications under the waiver law to determine locally how they use the legally mandated school holidays honoring Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars. The proposed legislation also makes a technical change to eliminate Good Friday as a legally

mandated school holiday, in light of the federal court decision in 1995 that prohibited the state from requiring that districts recognize it as such.

Parent-teacher conferences

Over the years, the State Board has interpreted Section 18-8.05(F)(2)(d)(1) of the School Code fairly narrowly as it pertains to districts' use of parent-teacher conference days. This interpretation, backed by a long-standing State Board of Education policy and legislative wishes, has meant that most applications to adjust the timing of parent-teacher conferences have been classified as waivers of the School Code, which can be considered only twice a year by the General Assembly. Such waivers are rarely discussed during hearings and only one out of 128 applications submitted has been denied.

Given the near-certainty of legislative approval of parent-teacher conference requests, and considering the needs of districts for more flexible scheduling options, the State Board intends to propose legislation for the Spring 2009 session that would allow applicants certain uses of parent-teacher time that do not require submission of a waiver request. Staff have analyzed waiver applications to determine which schedules are most commonly requested and have formulated three scenarios to meet those situations:

1. A district would be allowed to count as a day of attendance (for purposes of the legal school calendar) one in which students are not in attendance but the district has held at least five hours of parent-teacher conferences during that day.
2. A district would be allowed to count as a day of attendance (for purposes of the legal school calendar) the combination of at least two hours of parent-teacher conferences in the evening following a full day of student attendance*, plus at least three hours of parent-teacher conferences held on the next day.
3. A district would be allowed to count as a day of attendance (for purposes of the legal school calendar) several evening sessions held after full days of student attendance, provided that when taken together the time used for the parent-teacher evening sessions is equal to at least five clock-hours.

* Staff have used "5 clock-hours of school work" in defining a "full day of student attendance." In the past, State Board "policy" considered a "full day" to be the district's regular school day, even if it exceeded five clock-hours of instruction. That interpretation meant that districts with more than five hours had to submit a waiver to dismiss students after five hours in order to hold parent-teacher conferences.

Driver's Education

Section 27-23 of the School Code authorizes school districts to charge up to \$50 for students participating in a driver's education course. The General Assembly has approved 234 petitions from 141 school districts since May 1996 seeking to raise this \$50 limit. Of the 46 petitions receiving approval during the last two waiver reports, 32 were renewals of previously approved requests; in those cases, nine districts asked for approval to increase the fee over the amount previously approved.

Requests to raise driver's education fees are the third most common type of waiver request, after holidays and daily physical education. The number of these applications, and the maximum fees requested, strongly indicate that many school districts believe the \$50 fee is insufficient to fund driver's education programs, and they are seeking ways to cover the shortfall in revenues by charging students more to take the course. Up until May 2003, the General Assembly considered fewer than 10 requests in each report. There was a substantial increase in petitions during 2004 and while numbers have varied since then, the last five years have seen 157 petitions to raise fees, with 50 percent of these requests involving a fee greater than \$250 per student. Indeed, only 14 percent of districts with waivers still in effect have asked to limit the fee to \$150 or less. The General Assembly has approved five requests for \$500 and six other districts have permission to charge up to \$450 per student.

The majority of the requests that have been approved – 62 percent – are from districts located in Cook County or one of the five collar counties. Many of the other districts receiving approval are concentrated in or near urban centers such as Rockford, Bloomington, and the metro-east area.

Given that the law establishing the \$50 maximum is more than 20 years old and that of all driver education fee waiver requests approved, 67 percent have been approved in the past five years, the State Board recommends to the General Assembly that (1) the fee limit be eliminated, thus allowing districts to set the fee in response to local conditions, but that (2) the district set a fee only after providing appropriate advance notices and holding a public hearing in order to take comments from parents, other community members, and affected teachers and staff members.

Proposed Amendments

Holidays

105 ILCS 5/24-2

(a) Teachers shall not be required to teach on Saturdays; ~~nor, except as provided in subsection (b) of this section,~~ shall teachers or other school employees, other than noncertificated school employees whose presence is necessary because of an emergency or for the continued operation and maintenance of school facilities or property, be required to work on legal school holidays, which are January 1, New Year's Day; the third Monday in January, the Birthday of Dr. Martin Luther King, Jr.; February 12, the Birthday of President Abraham Lincoln; the first Monday in March (to be known as Casimir Pulaski's birthday); ~~Good Friday;~~ the day designated as Memorial Day by federal law; July 4, Independence Day; the first Monday in September, Labor Day; the second Monday in October, Columbus Day; November 11, ~~Veteran's~~ Veterans' Day; the Thursday in November commonly called Thanksgiving Day; and December 25, Christmas Day. School boards may grant special holidays whenever in their judgment such action is advisable. No deduction shall be made from the time or compensation of a school employee on account of any legal or special holiday.

(b) A school district and other entities defined as "eligible applicants" in Section 2-3.25g of the School Code [105 ILCS 5/2-3.25g] are authorized to hold school, or schedule teachers' institutes, parent-teacher conferences, or staff development on the third Monday in January (the Birthday of Dr. Martin Luther King, Jr.), February 12 (the Birthday of President Abraham Lincoln), the first Monday in March (known as Casimir Pulaski's birthday), the second Monday in October (Columbus Day), and November 11 (Veterans' Day), provided that:

(i) the person or persons honored by the holiday are recognized 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, and

(ii) the entity that chooses to exercise such authority first provides notices, holds a public hearing, and approves the action in the same manner required of eligible applicants in Section 2-3.25g(c) of the School Code.

(c) Commemorative holidays, which recognize specified patriotic, civic, cultural or historical persons, activities, or events, are regular school days. Commemorative holidays are: January 28 (to be known as Christa McAuliffe Day and observed as a commemoration of space exploration), February 15 (the birthday of Susan B. Anthony), March 29 (Viet Nam War ~~Veteran's~~ Veterans' Day), September 11 (September 11th Day of Remembrance), the school day immediately preceding ~~Veteran's~~ Veterans' Day (Korean War ~~Veteran's~~ Veterans' Day), October 1 (Recycling Day), December 7 (Pearl Harbor ~~Veteran's~~ Veterans' Day) and any day so appointed by the President or Governor. School boards may establish commemorative holidays whenever in their judgment such action is advisable. School boards shall include instruction relative to commemorated persons, activities, or events on the commemorative holiday or at any other time during the school year and at any point in the curriculum when such instruction may be deemed appropriate. The State Board of Education shall prepare and make available to school boards instructional materials relative to commemorated persons, activities, or events which may be used by school boards in conjunction with any instruction provided pursuant to this paragraph.

(d) City of Chicago School District 299 shall observe March 4 of each year as a commemorative holiday. This holiday shall be known as Mayors' Day which shall be a day to commemorate and be reminded of the past Chief Executive Officers of the City of Chicago, and in particular the late Mayor Richard J. Daley and the late Mayor Harold Washington. If March 4 falls on a Saturday or Sunday, Mayors' Day shall be observed on the following Monday.

Parent-Teacher Conferences

105 ILCS 5/18-8.05(F)(2)(d)

A session of 3 or more clock hours may be counted as a day of attendance (1) when the remainder of the school day or at least 2 hours in the evening of that day is utilized for an in-service training program for teachers, up to a maximum of 5 days per school year ~~of which a maximum of 4 days of such 5 days may be used for parent teacher conferences~~, provided a district conducts an in-service training program for teachers which has been approved by the State Superintendent of Education; or, in lieu of 4 such days, 2 full days may be used, in which event each such day may be counted as a day required for a legal school calendar pursuant to Section 10-19 of this Code; (1.5) of the 5 days allowed under item (1), a maximum of 4 days may be used for parent-teacher conferences, or in lieu of 4 such days, 2 full days may be used, in which case each such day may be counted as a calendar day required under Section 10-19 of this Code, provided that the full-day, parent-teacher conference consists of (1) a minimum of 5 clock hours of parent-teacher conferences, or (ii) both a minimum of 2 clock hours of parent-teacher conferences held in the evening following a full day of student attendance, as specified in subsection (F)(1)(c), and a minimum of 3 clock hours of parent-teacher conferences held on the day immediately following evening parent-teacher conferences; or (iii) multiple parent-teacher conferences held in the evenings following full days of student attendance, as specified in subsection (F)(1)(c), in which the time used for the parent-teacher conferences is equivalent to a minimum of 5 clock hours; and (2) when days in addition to those provided in ~~item~~ items (1) and (1.5) are scheduled by a school pursuant to its school improvement plan adopted under Article 34 or its revised or amended school improvement plan adopted under Article 2, provided that (i) such sessions of 3 or more clock hours are scheduled to occur at regular intervals, (ii) the remainder of the school days in which such sessions occur are utilized for in-service training programs or other staff development activities for teachers, and (iii) a sufficient number of minutes of school work under the direct supervision of teachers are added to the school days between such regularly scheduled sessions to accumulate not less than the number of minutes by which such sessions of 3 or more clock hours fall short of 5 clock hours. Any full days used for the purposes of this paragraph shall not be considered for computing average daily attendance. Days scheduled for in-service training programs, staff development activities, or parent-teacher conferences may be scheduled separately for different grade levels and different attendance centers of the district.

Driver's Education

105 ILCS 5/27-23

The Motor Vehicle Code. The curriculum in all public schools shall include a course dealing with the content of Chapters 11, 12, 13, 15, and 16 of the Illinois Vehicle Code, the rules and regulations adopted pursuant to those Chapters insofar as they pertain to the operation of motor vehicles, and the portions of the Litter Control Act relating to the operation of motor vehicles. Instruction shall be given in safety education in each grade, 1 through 8, equivalent to 1 class

period each week, and in at least 1 of the years in grades 10 through 12. The course of instruction required of each eligible student at the high school level shall consist of a minimum of 30 clock hours of classroom instruction taught by a certified high school teacher who has acquired special qualifications as required for participation under the terms of Section 27-24.2 of this Act. Each school district maintaining grades 9 through 12: (i) shall provide the classroom course for each public and non-public high school student resident of the school district who either has received a passing grade in at least 8 courses during the previous 2 semesters or has received a waiver of that requirement from the local superintendent of schools (with respect to a public high school student) or chief school administrator (with respect to a non-public high school student), as provided in Section 27-24.2, and for each out-of-school resident of the district between the age of 15 and 21 years who requests the classroom course, and (ii) may provide such classroom course for any resident of the district over age 55 who requests the classroom course, but only if space therein remains available after all eligible public and non-public high school student residents and out-of-school residents between the age of 15 and 21 who request such course have registered therefor, and only if such resident of the district over age 55 has not previously been licensed as a driver under the laws of this or any other state or country. Each school district (i) shall provide an approved course in practice driving consisting of a minimum of 6 clock hours of individual behind-the-wheel instruction or its equivalent in a car, as determined by the State Board of Education, for each eligible resident of the district between the age of 15 and 21 years who has started an approved high school classroom driver education course on request, and (ii) may provide such approved course in practice driving for any resident of the district over age 55 on request and without regard to whether or not such resident has started any high school classroom driver education course, but only if space therein remains available after all eligible residents of the district between the ages of 15 and 21 years who have started an approved classroom driver education course and who request such course in practice driving have registered therefor, and only if such resident of the district over age 55 has not previously been licensed as a driver under the laws of this or any other state or country. Subject to rules and regulations of the State Board of Education, the district may charge a reasonable fee, ~~not to exceed \$50~~, to students who participate in the course, unless a student is unable to pay for such a course, in which event the fee for such a student shall be waived. A district that chooses to exercise such authority must first provide notices, hold a public hearing, and approve the action in the same manner required of eligible applicants in Section 2-3.25g(c) of the School Code [105 ILCS 5/2-3.25g(c)]. The total amount from driver education fees and reimbursement from the State for driver education must not exceed the total cost of the driver education program in any year and must be deposited into the school district's driver education fund as a separate line item budget entry. All moneys deposited into the school district's driver education fund must be used solely for the funding of a high school driver education program approved by the State Board of Education that uses instructors certified by the State Board of Education. If a district provides the classroom or practice driving course or both of such courses to any residents of the district over age 55, the district may charge such residents a fee in any amount up to but not exceeding the actual cost of the course or courses in which such residents participate. The course of instruction given in grades 10 through 12 shall include an emphasis on the development of knowledge, attitudes, habits and skills necessary for the safe operation of motor vehicles including motorcycles insofar as they can be taught in the classroom, and in addition the course shall include instruction on special hazards existing at, and required extra safety and driving

precautions that must be observed at, emergency situations, highway construction and maintenance zones, and railroad crossings and the approaches thereto.

**Summary of Approved Waiver/Modification Requests of Rules and School Code Mandates
(October 1995 through October 2008 Reports)**

SCHOOL DISTRICTS

Accountability

Topic	Code/Rule Citation ¹	Approved - ISBE	Approved - GA	Total Approved	Number of Districts ²	Percentage of Districts ³
Accountability Procedures	5/2-3.64; 23 Ill. Adm. Code 1.30-1.70	10	4	14	12	1.4%
School Report Card	5/10-17a	0	1	1	1	0.1%
Statement of Affairs	5/10-17	0	6	6	5	0.6%
SUBTOTAL		10	11	21		

Calendar/Instructional Time Issues

Topic	Code/Rule Citation ¹	Approved - ISBE	Approved - GA	Total Approved	Number of Districts ²	Percentage of Districts ³
Alternative Schools ⁴	5/Art.13A	1	0	1	1	0.1%
Attendance Procedures	23 Ill. Adm. Code 1.290	1	0	1	1	0.1%
Holidays	5/24-2	2,821	6	2,827	897 ¹⁵	103.1% ¹⁵
• <i>Lincoln's Birthday</i>					• 897 ¹⁵	• 103.1% ¹⁵
• <i>Casimir Pulaski Day</i>					• 650	• 74.7%
• <i>Columbus Day</i>					• 386	• 44.4%
• <i>Veterans' Day</i>					• 397	• 43.2%
• <i>Dr. M.L. King, Jr.'s, Birthday</i>					• 376	• 45.6%
• <i>Memorial Day</i>					• 17	• 2.0%
• <i>Labor Day</i>					• 15	• 1.7%
Inservice Training ⁵	5/18-8.05(F)(2)(d)(2)	20	132	152	75	8.6%

¹All citations are to 105 ILCS 5 (the School Code); some requests involve State Board of Education administrative rules and are noted.

²School districts may have submitted more than one petition for the same topic area, making the number of districts fewer than the number of petitions in many instances.

³In fall 2008, Illinois had 870 operating school districts, 25 area vocational centers, 45 regional offices of education, and 68 special education cooperatives/joint agreements.

⁴P.A. 91-318, effective July 29, 1999, amended Article 13A of the School Code in response to certain waiver requests.

⁵P.A. 90-548, effective July 1, 1998, amended this section of the School Code in response to certain waiver requests.

⁶P.A. 94-438, effective August 4, 2005, amended this section of the School Code in response to certain modification requests.

⁷P.A. 89-618, effective August 9, 1996, amended this section of the School Code in response to certain waiver requests.

⁸P.A. 94-198, effective January 1, 2006, amended this section of the School Code in response to certain modification requests.

⁹P.A. 91-719, effective June 2, 2000, amended this section of the School Code in response to certain waiver requests.

¹⁰P.A. 93-909, effective August 12, 2004, amended this section of the School Code in response to certain waiver requests.

¹¹P.A. 90-548, effective December 4, 1997, amended this section of the School Code in response to certain waiver requests.

¹²P.A. 92-184, effective July 27, 2001, amended this section of the School Code in response to certain waiver requests.

¹³P.A. 90-653, effective July 29, 1998, amended this section of the School Code in response to certain waiver requests.

¹⁴P.A. 90-566, effective January 2, 1998, amended this section of the School Code in response to certain waiver requests.

¹⁵ The cumulative total of districts receiving approval for waivers and modifications since 1995 includes districts that no longer exist due to consolidation or other reorganization initiatives. Additionally, the number of school districts in the state has continued to decrease since that time, so percentages of districts will increase without there being additional approvals.

Calendar/Instructional Time Issues (continued)

Topic	Code/Rule Citation ¹	Approved - ISBE	Approved - GA	Total Approved	Number of Districts ²	Percentage of Districts ³
Instructional Time (day/yr.) ⁶	5/10-19, 18-8.05	115	4	119	63	7.2%
Kindergarten	5/10-20.19a, 10-22.18	0	4	4	1	0.1%
Parent-Teacher Conferences	5/18-8.05(F)(2)(d)(1)	20	151	171	96	11.0%
SUBTOTAL		2,978	297	3,275		

Course Offerings

Topic	Code/Rule Citation ¹	Approved - ISBE	Approved - GA	Total Approved	Number of Districts ²	Percentage of Districts ³
Bilingual Education	5/14C-2, 14C-2.1, 14C-3	3	0	3	1	0.1%
Course Requirements	23 Ill. Adm. Code 1.420 & 1.430	6	1	7	3	0.3%
Driver Education	5/27-23, 27-24 & 23 Ill. Adm. Code 252	38	255	293	156	18.0%
• Amount of Fee					• 132 [+7] ^a	• 16.0%
• When to Offer Course					• 15	• 1.7%
• Contracting					• 7	• 0.8%
• Behind the Wheel					• 14	• 1.6%
Health Education ⁷	5/27-5	9	5	14	13	1.5%
Physical Education	5/27-6	158	426	584	260	29.9%
• Other Courses					• 87 [+4]	• 10.5%
• Block Scheduling ⁸					• 84 [+1]	• 9.8%
• Other Activities					• 65	• 7.5%
• Inadequate Facilities					• 56	• 6.4%
• Other (local control, equal time)					• 24	• 2.8%

¹All citations are to 105 ILCS 5 (the School Code); some requests involve State Board of Education administrative rules and are noted.

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Course Offerings (continued)

Vocational Education	23 Ill. Adm. Code 254.1150(b)	3	0	3	2	0.2%
SUBTOTAL		217	687	904		

Employment Issues

Topic	Code/Rule Citation ¹	Approved - ISBE	Approved - GA	Total Approved	Number of Districts ²	Percentage of Districts ³
Administration of Medication ⁹	5/10-22.21b	2	5	7	6	0.7%
Certificates	5/21-5, 21-7(e)(4), 10-21.4a	3	2	5	3	0.3%
Contracts (employment)	5/10-23.8a	0	1	1	1	0.1%
Criminal Background Checks ¹⁰	5/10-21.9	3	0	3	2	0.2%
Evaluation Process	5/24A-5	1	54	55	37	4.3%
Interim/Part-time Superintendent	5/10-21.4	0	5	5	2	0.2%
Protection from Suit	5/34-18.1	1	0	1	1	0.1%
Reduction-in-Force Notices (Chicago)	5/34-84	0	1	1	1	0.1%
Reduction-in-Force Notices ⁷	5/24-12, 10-23.5	0	7	7	6	0.7%
School Nurse ¹¹	5/10-22.23	15	77	92	90	10.3%
Substitute Teachers ¹²	5/21-9	9	41	50	36	4.1%
Superintendent Duties	23 Ill.Adm.Code 1.310(f)(1), (2); 5/10-21.4	2	2	4	2	0.2%
Teacher Aides	23 Ill.Adm.Code 1.630, 25.510(d)(1); 5/10-22.34	4	2	6	3	0.3%
Treasurer – Appointment	5/5-1	0	4	4	4	0.5%
Treasurer – Qualifications	5/8-1(c) & (e)	0	1	1	1	0.1%
Treasurer – Residency ⁷	5/8-1(c)	0	9	9	8	0.9%
SUBTOTAL		40	211	251		

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⁹P.A. 91-719, effective June 2, 2000, amended this section of the School Code in response to certain waiver requests.

¹⁰P.A. 93-909, effective August 12, 2004, amended this section of the School Code in response to certain waiver requests.

¹¹P.A. 90-548, effective December 4, 1997, amended this section of the School Code in response to certain waiver requests.

¹²P.A. 92-184, effective July 27, 2001, amended this section of the School Code in response to certain waiver requests.

¹³P.A. 90-653, effective July 29, 1998, amended this section of the School Code in response to certain waiver requests.

¹⁴P.A. 90-566, effective January 2, 1998, amended this section of the School Code in response to certain waiver requests.

¹⁵The cumulative total of districts receiving approval for waivers and modifications since 1995 includes districts that no longer exist due to consolidation or other reorganization initiatives. Additionally, the number of school districts in the state has continued to decrease since that time, so percentages of districts will increase without there being additional approvals.

Fiscal Issues

Topic	Code/Rule Citation ¹	Approved - ISBE	Approved - GA	Total Approved	Number of Districts ²	Percentage of Districts ³
ADA/GSA Calculations	5/18-8.05	0	7	7	3	0.3%
Administrative Expenditure Limits ¹³	5/17-1.5	0	193	193	147	16.9%
Administrative Expenditure Limits	5/34-43.1(c)	1	0	1	1	0.1%
Bid Limit	5/34-21	3	0	3	1	0.1%
Bonds	5/5-22	0	2	2	1	0.1%
Debt Limit	5/19-1	0	7	7	5	0.6%
Fiscal Year Change	5/3-15.1	0	1	1	1	0.1%
Funds (transfers/use of funds, interest)	5/10-22.14, 10-22.22, 10-22.44, Art. 17	0	26	26	17	2.0%
Lease Agreements	5/10-22.11	0	1	1	1	0.1%
School Food Program	23 Ill. Adm. Code 305.15(b) & (f)	4	0	4	2	0.2%
Tax Rates, Levies	5/17-2, 17-6.1	0	2	2	2	0.2%
Transportation	5/29-3	1	0	1	1	0.1%
Transportation Reimbursement	23 Ill. Adm. Code 120.90(e) (appeal)	0	1	1	1	0.1%
Tuition	5/10-20.12a, 10-22.5	0	60	60	42	4.8%
SUBTOTAL		9	300	309		

Governance

Topic	Code/Rule Citation ¹	Approved - ISBE	Approved - GA	Total Approved	Number of Districts ²	Percentage of Districts ³
Consolidation	Various	0	4	4	4	0.5%
Educational Service Center Administration	5/2-3.62	1	2	3	1	0.1%
Local School Councils	5/34-2.1	1	0	1	1	0.1%
Regional Offices of Education	5/3-14.2	0	2	2	1	0.1%
SUBTOTAL		2	8	10		

¹All citations are to 105 ILCS 5 (the School Code); some requests involve State Board of Education administrative rules and are noted.

²School districts may have submitted more than one petition for the same topic area, making the number of districts fewer than the number of petitions in many instances.

³In fall 2008, Illinois had 870 operating school districts, 25 area vocational centers, 45 regional offices of education, and 68 special education cooperatives/joint agreements.

⁴P.A. 91-318, effective July 29, 1999, amended Article 13A of the School Code in response to certain waiver requests.

⁵P.A. 90-548, effective July 1, 1998, amended this section of the School Code in response to certain waiver requests.

⁶P.A. 94-438, effective August 4, 2005, amended this section of the School Code in response to certain modification requests.

⁷P.A. 89-618, effective August 9, 1996, amended this section of the School Code in response to certain waiver requests.

⁸P.A. 94-198, effective January 1, 2006, amended this section of the School Code in response to certain modification requests.

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Regional Offices of Education (ROEs)

Topic	Code/Rule Citation ¹	Approved - ISBE	Approved - GA	Total Approved	Number of ROEs ²	Percentage of ROEs ³
ADA/GSA Calculations	5/18-8.05	0	2	2	2	4.4%
Holidays	5/24-2	68	0	68	31	68.9%
• Lincoln's Birthday					• 30	• 66.7%
• Casimir Pulaski Day					• 22	• 48.9%
• Veterans' Day					• 11	• 24.4%
• Dr. M.L. King, Jr.'s, Birthday					• 11	• 24.4%
• Columbus Day					• 8	• 17.8%
Inservice Training ⁵	5/18-8.05(F)(2)(d)(2)	0	2	2	1	2.2%
Parent-Teacher Conferences	5/18-8.05(F)(2)(d)(1)	0	4	4	4	8.9%
Physical Education	5/27-6	0	1	1	1	2.2%

TOTALS: REGIONAL OFFICES OF EDUCATION **68** **9** **77** **31** **68.9%**

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²School districts may have submitted more than one petition for the same topic area, making the number of districts fewer than the number of petitions in many instances.

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⁵P.A. 90-548, effective July 1, 1998, amended this section of the School Code in response to certain waiver requests.

⁶P.A. 94-438, effective August 4, 2005, amended this section of the School Code in response to certain modification requests.

⁷P.A. 89-618, effective August 9, 1996, amended this section of the School Code in response to certain waiver requests.

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Special Education Cooperatives/Joint Agreements (SECs)

Topic	Code/Rule Citation ¹	Approved - ISBE	Approved - GA	Total Approved	Number of SECs ²	Percentage of SECs ³
Evaluation Process	5/24A-5	0	1	1	1	1.5%
Holidays	5/24-2	58	0	58	34	50%
• Lincoln's Birthday					• 31	• 45.6%
• Casimir Pulaski Day					• 16	• 23.5%
• Columbus Day					• 10	• 14.7%
• Veterans' Day					• 9	• 13.2%
• Dr. M.L. King, Jr.'s, Birthday					• 6	• 8.8%
Parent-Teacher Conferences	18-8.05(F)(2)(d)(1)	0	2	2	2	2.9%
Substitute Teachers ¹²	5/21-9	0	1	1	1	1.5%
TOTALS: SPECIAL EDUCATION COOPERATIVES		58	4	62	35	51.5%
TOTALS: ALL APPLICANTS		3,397	1,572	4,969		

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²School districts may have submitted more than one petition for the same topic area, making the number of districts fewer than the number of petitions in many instances.

³In fall 2008, Illinois had 870 operating school districts, 25 area vocational centers, 45 regional offices of education, and 68 special education cooperatives/joint agreements.

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