Agenda Topic: Waiver Report

Materials: Fall 2001 Report to the General Assembly

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Purpose of Agenda Item

- To inform the Board members about requests for waivers and modifications that have been received since the last report in May 2001;

- To secure approval of the Fall 2001 Waiver Report for submission to the General Assembly by October 1, as required by law.

Expected Outcome(s) of Agenda Item

The Board's authorization to submit the Fall 2001 Waiver Report to the General Assembly.

Background Information

The Fall 2001 Waiver Report is the thirteenth report to be submitted to the General Assembly pursuant to Section 2-3.25g of the School Code. That law, enacted in 1995, permits school districts to request waivers or modifications of state education laws and administrative rules promulgated by the State Board of Education. All waivers of state law must be submitted to the General Assembly for its consideration.

This report contains 39 waiver requests covering 12 topic areas, including daily physical education (17 requests), driver education fee (six requests) and the limitation on the number of days that substitute teachers may be employed (five requests). Two petitions each were received for use of interest funds and school improvement days; one each was received for content of evaluation plans, debt limitation, kindergarten, limitation of administrative costs, non-resident tuition, statement of affairs, and supervision and control of school districts (Regional Office of Education).
The State Board of Education has approved 218 requests since the spring waiver report, of which:

- 191 address legal school holidays;
- eight address daily physical education;
- six address parent-teacher conferences;
- six address school improvement/inservice training;
- four address adjustment of instructional time pertaining to the spring 2001 administration of the Prairie State Achievement Examination; and
- one each addresses course requirements (bilingual education), driver education, and substitute teachers.

**Analysis and Policy Implications**

Two issues will be discussed here: physical education and substitute teachers.

**Physical Education.** In March 2001, the State Board of Education adopted a policy in which it asked that school districts submitting requests to waive or modify the daily physical education mandate include in their applications “baseline information” on the performance of their own students against the Illinois Learning Standards for Physical Development and Health (PD/H). In addition, the policy directed applicants to describe how they plan to assure that students affected by the waiver or modification would continue to make progress in relation to the PD/H standards.

It was the intent of the State Board of Education that both the district baseline performance data and the district’s plans for continued student progress in relation to the PD/H standards would be used in its consideration of physical education waiver and modification requests. Each request would be considered in relation to the unique circumstances presented by the petition.

As implementation procedures were being discussed, however, it became apparent that the most readily available source of information regarding student performance relative to the PD/H standards – results from the science portion of the Illinois Standards Achievement Test (ISAT) – would not be available until after the deadline for the October 1, 2001, waiver report. (For further background, see separate agenda item on physical education ISAT cut scores.) Due to this timing, it was determined that an interim strategy was needed.

For this cycle only, physical education requests will be reviewed as they have been in the past. However, after the General Assembly acts on the fall waiver report, State Board staff will ask those districts whose waiver requests have been approved, as well as those whose requests have already been approved as modifications since the spring report, to submit information that they wish to use as the baseline data for subsequent waiver or modification requests. This could be student performance data from the ISAT or other data relevant to their students’ achievement of the PD/H standards. This data
will be used by the district and the State Board should a district seek to renew its waiver or modification.

All districts will be notified about the Board’s policy, which will go into effect for the next waiver cycle (report due to the General Assembly by May 1, 2002).

Another action affecting physical education waiver requests is HR 333, adopted May 25, 2001, by the House of Representatives. That resolution requires, in part, that all requests to waive the daily physical education requirement provide evidence to show that the waiver is necessary to stimulate innovation or improve student performance. Staff members worked with districts to secure additional information whenever the original request did not provide a sufficient rationale; all of the requests being submitted to the General Assembly for action now include this student performance rationale.

Staff notified all school districts and Regional Offices of Education about the implications of HR 333 on July 5, 2001, when amendments to the rules governing the waiver process were transmitted to these entities. Districts and regional offices will be reminded about the need for a student performance/stimulation of innovation rationale for waiver requests at the time that they are notified about the Board’s policy on physical education waivers.

All but two of the current physical education waiver requests are renewals. Review of the rationales provided by the requesting districts indicate that they are attempting to provide a maximum of physical activity while also dealing with limited time and limited facilities, a desire to offer other curricular options to students, and to improve student academic performance, especially for students whose achievement is not meeting expectations. Because all of the requests meet the requirements in the waiver law, the State Board should make no denial recommendations to the General Assembly.

Substitute Teachers. School districts continue to experience a shortage of substitute teachers, as evidenced by the requests that will be submitted to the General Assembly in this report. During the spring 2001 legislative session, the General Assembly attempted to deal with this shortage by amending Section 21-9 of the School Code to allow school districts to employ substitute teachers for up to 120 days (rather than 90 days), if the substitute to be so employed also held an early childhood, elementary, high school, or special certificate. This provision will be in effect for three school years, through the 2003-04 school year.

The requests contained in this report do not limit their use of substitutes to the criteria described above. All of the school districts are also seeking to have their waivers in effect for the maximum of five years allowed under the waiver law. As such, the State Board of Education is obligated to continue to send these requests to the General Assembly for its consideration.

Superintendent’s Recommendation
• The 39 waiver requests summarized in the report should be forwarded to the General Assembly without comment.

• The Board should approve the report and authorize its submission to the General Assembly by October 1.

**Next Steps**

Submit the Fall 2001 Waiver Report as presented to the General Assembly by October 1.