TO: Illinois State Board of Education
FROM: Robert E. Schiller, Superintendent
         Respicio F. Vazquez, General Counsel

Agenda Topic: Waiver Report to the General Assembly

Materials: Physical Education Waiver Addendum Summary
         Fall 2002 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 April 2002;

• To consider whether the Board should recommend that the General Assembly
  disapprove certain requests; and

• To secure approval of the Fall 2002 Waiver Report for submission to the General
  Assembly by October 1, as required by law.

Expected Outcome(s) of Agenda Item
• The Board's approval to recommend to the General Assembly that it disapprove
  three requests contained in the report;

• The Board's authorization to submit the Fall 2002 Waiver Report to the General
  Assembly.

Background Information
The Fall 2002 Waiver Report is the fifteenth 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 33 waiver requests covering ten topic areas, including administrative cost limitations (two requests), daily physical education (11 requests), driver education fees (three requests), parent-teacher conferences (six requests), and school improvement days (four petitions). Other requests to be forwarded to the General Assembly for action address non-resident tuition, tax levies, substitute teachers, content of evaluation plans, and General State Aid.

The State Board of Education has approved 220 requests since the fall waiver report, of which 204 address legal school holidays; seven address adjustment of instructional time pertaining to the spring 2003 administration of the Prairie State Achievement Examination; six address daily physical education; two address driver’s education; and one addresses course requirements.

The Board is being asked to consider that three of the 33 waiver requests be recommended for a legislative disapproval.

**Analysis and Policy Implications**

Staff are recommending that the State Board provide disapproval recommendations on three waiver requests contained in the report: one addresses General State Aid and two address daily physical education. The issues associated with the petitions are discussed below.

**Boone/Winnebago Regional Learning Academy (WM100-2599-1)** is a request to count as full days of attendance for the purpose of calculating General State Aid (GSA) any sessions of not less than three-and-a-half clock-hours for some students who attend this regional safe school, established under Article 13A of the School Code.

In its application, the Boone/Winnebago Regional Office of Education (ROE) states that not all of their students are able to attend a five clock-hour day on a regular basis. Students in this program, who are bused to Rockford from 11 surrounding communities, come to the Regional Learning Academy with a history of repeated suspensions, or expulsions. The applicant states that such students have little respect for the regular school setting and often cause disruptions in the classroom. The goal of the program is to start all students with the standard five clock-hour minimum. Students who cannot cope with a full-length school day will be considered for a school day of not less than three-and-a-half clock-hours.

The applicant states that its goal would be the eventual return of students in an abbreviated school day program to a full-day program but does not give an explanation of how it will meet that goal.

State Board of Education staff who work with these and similar programs believe that the behavior of disruptive students observed during a site visit in the spring of 2002 can be traced to two factors. One is a staffing problem which has since been resolved. The other is the temporary absence of computer access and Internet link-up caused by the
program’s move to a new location. These instructional tools were scheduled to be restored by the end of summer.

Staff familiar with this and other regional alternative education programs believe that a longer school day with appropriate and effective support services will benefit at-risk students more than programs that reduce time spent in school. Staff also note that such programs are given substantial flexibility in determining minimum clock-hours, since they are allowed to count any time that a student spends in work-based learning or community service as part of the school day.

The General Assembly approved two requests similar to Boone-Winnebago’s in the spring of 2002, in spite of a State Board recommendation for denial. These were renewal requests from Savanna Community Unit School District 300 and Freeport Community Unit School District 145; their original requests had been approved in 1997. Since that time, however, the General Assembly acted to deny two similar applications. Collinsville Community Unit School District 10 applied for a waiver in the fall of 1999, asking to count three hours of school work as a full day for purposes of calculating GSA reimbursement. The Carroll/Jo Daviess/Stephenson Regional Office of Education applied for a waiver in the spring of 2000, asking to count three-and-a-half hours as a full day.

Given the concerns voiced by program staff to this proposal, and the State Board's history of opposing such requests, I recommend that the General Assembly disapprove this request for the following reason: Full-day programs that include other components, such as work-based learning, support services, and/or service learning, are more beneficial to the students being served in the alternative programs than programs that reduce the time that students are in school.

Finally, this request acknowledges that students with Individualized Education Programs (IEP) may have their school days shortened under this proposal. If the General Assembly votes to approve this request, the Boone/Winnebago ROE must be informed that the authority to shorten students’ school hours granted by this waiver would not automatically extend to a student with an Individualized Education Program. Any such students recommended for the shortened school day would first need to have their IEP’s reviewed in a formal meeting and a determination made that less time in school would be consistent with the students’ need for special education services.

Physical Education

The State Board will be transmitting to the General Assembly for action 11 waiver requests from school districts seeking relief from the mandate to provide physical education on a daily basis. Summaries of each of these requests can be found on pages 3 to 5 of the waiver report.

The fall report represents the second opportunity for districts to include with their physical education waiver applications descriptions of their students’ achievement
relative to the Illinois Learning Standards for Physical Development and Health and of the additional learning opportunities provided to students to ensure that they continue to make progress toward achieving these standards, specifically those articulated in Goals 19, 20, and 21.

All of the districts submitted this additional information, which is summarized in a chart following this executive summary. All but one district (Fisher Community Unit School District 1) provided assessment results. Using a combination of standardized fitness tests, local assessments, and the Illinois Standards Achievement Test, results from these school districts ranged from a low of 46 percent of the students meeting or exceeding standards (Sauk Village Community Consolidated School District 168) to a high of 98 percent of students meeting or exceeding standards (Aledo Community Unit School District 201).

In addition, all of the districts described the other learning opportunities provided to students. These opportunities included supervised recess, physical activities in other courses or during the school day when students are not in physical education classes, extracurricular and intramural sports activities, and interscholastic athletics programs or cheerleading and pompons.

Based on the Board’s physical education waiver policy and the information submitted, staff believe that two requests to waive the daily physical education requirement should be submitted to the General Assembly with a recommendation that they be disapproved. Staff used the assessment results – recognizing the limitations created since the results are self-reported and not subject to verification – in making their recommendation relative to the requests from Sauk Village and Fisher school districts. These requests are described below.

Sauk Village Consolidated School District 168 (WM100-2617) is seeking to renew a five-year waiver that allowed the provision of physical education every other day for students in kindergarten through grade 5. This waiver expired at the end of the 2001-02 school year. The renewal request expands the original waiver so that students in grades 6, 7, and 8 substitute daily physical education with nine weeks of computer instruction. Approval for the request is being sought for another five years due to inadequate facilities.

The district offers several additional opportunities for physical activity, including allowing students to eat lunch in their classrooms so that the gym can be used on a rotating basis by teachers as an “open gym” period. The district’s assessment results, however, show that only 56 percent of students in grade 4 met or exceeded standards for physical development and health in 2002. The percentage drops to 46 percent in grade 7. Additionally, the district uses the Presidential Fitness Test at the junior high level; only 46 percent of students received an award last school year.

Fisher Community Unit School District 1 (WM100-2623) is asking for a waiver for the first time. When the superintendent, who has been with the district for one year,
discovered during school year 2002-03 registration that band students in the high school were routinely excused from physical education in order to participate in the band program, he contacted the State Board staff about seeking a waiver. The students cannot be excused under the physical education exemption allowed under the law for marching band since only a portion of their time is spent marching during the football season.

The district reports that many of the band students also participate in various interscholastic athletic programs. With only 177 students in the high school (enrollment figures are for school year 2001-02), the district says its award-winning band will suffer if its members are unable to schedule band during the school day due to their required participation in physical education.

The district, however, has been unable to provide any assessment results for high school students due to the departure of the physical education instructor last school year (although grade 7 ISAT results show 68 percent of those students met or exceeded the standards in 2002). As such, State Board staff have no way to ascertain whether the proposed waiver would compromise students’ ability to achieve the standards.

**Superintendent’s Recommendation**

- The request from Boone/Winnebago Regional Learning Academy (WM100-2599-1), dealing with Article 13A alternative schools and General State Aid, should be forwarded to the General Assembly with a recommendation for legislative disapproval.

- The requests from Sauk Village Consolidated School District 168 (WM100-2617) and Fisher Community Unit School District 1 (WM100-2623), concerning the daily physical education, should be forwarded to the General Assembly with a recommendation for legislative disapproval.

- The remaining 30 requests summarized in the report should be forwarded without comment.

- The Board should approve the report, along with the recommendations for disapproval, and authorize its submission to the General Assembly by October 1.

**Next Steps**

- Submit the Fall 2002 Waiver Report as presented to the General Assembly by October 1.