TO: Illinois State Board of Education

FROM: Robert E. Schiller, Superintendent
Respicio Vazquez, General Counsel

Agenda Topic: Action Item: 2003 Cumulative Waiver Report

Materials: 2003 Cumulative Waiver Report (summary chart and legislative recommendations)

Staff Contacts: Shelley Helton
Winnie Tuthill

Purpose(s) of Agenda Item

- Approve the proposed legislative changes that respond to certain approved waivers or modifications for their inclusion in the 2003 Cumulative Waiver Report.
- Authorize the transmittal of the report to the General Assembly by February 1.

Expected Outcome of Agenda Item

Authorization to staff to transmit the 2003 Cumulative Waiver Report to the General Assembly by February 1.

Background Information

The 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 waiver mandates and modifications of mandates granted by the State Board or the General Assembly ... (identifying) the topic of the waiver along with the number and percentage of school districts 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. The 2003 report is the sixth to be submitted under that law.

The report is submitted to the General Assembly in two parts: a narrative portion that summarizes the requirements for the report and any recommendations for legislative action, and a chart that lists the approved waivers and modifications by topic area and the number and percentage of districts to date that have received approval for each waiver or modification type.
Last month, the Board considered two recommendations for legislative action that respond to modification approvals and directed staff to include these in the report for the General Assembly’s consideration. The two recommendations address legally mandated school holidays, and the instructional day and the Prairie State Achievement Examination.

**Analysis and Implications for Policy, Budget, Legislative Action and Communications**

As of the October 2002 waiver report, 796 school districts out of 891 operating as of fall 2002 have received approval to waive or modify requirements contained in either the School Code or the agency’s administrative rules. This represents 89.3 percent of districts statewide, an increase in this reporting period of about 7 percent in the number (52) of districts seeking waivers or modifications for the first time. The chart summarizing these approvals is included in the report that follows this executive summary.

**School Holidays.** The largest increase in both number of petitions and of first-time applicants was in modifications to use legally mandated school holidays for purposes other than a holiday (e.g., school attendance, inservice training or teacher institutes, parent-teacher conferences, emergency days). Since the inception of the current waiver process in 1995, 745, or 83.6 percent, of Illinois school districts have requested relief from observing some of the legally mandated school holidays. Therefore, the report recommends that the General Assembly consider amending Section 24-2 of the School Code to allow school districts to determine locally whether students should attend school on certain legal holidays or whether these holidays should be used for activities other than school attendance, as described above.

**Instructional Day and the Prairie State Achievement Examination.** The report also addresses the need of school districts administering the Prairie State Achievement Examination (PSAE) to adjust the length of the school day for all or some of their students in order to implement standard testing procedures. A total of 80 districts have sought and received approval to shorten the instructional day while still counting that day among the 176 days of pupil attendance required by law, provided that sufficient time over the five-clock hour day was accumulated previous to the test administration days and attributed to the shortened days.

It is anticipated that the State Board will again receive dozens of requests to adjust the school day during the PSAE administration. For this reason, the difficulty districts are experiencing due to the test requirements should be brought to the attention of the General Assembly through the cumulative report.

**Budget Implications:** None.

**Legislative Implications:** Submission of the report fulfills the statutory mandate contained in the waiver law. While the report is not a legislative proposal, it may very well provide suggestions of several issues that legislators may choose to consider relative to statutory changes that would be appropriate in light of approvals of waiver and modification requests.
Communications: The report will be submitted to the General Assembly by February 1, 2003, as per agency procedures.

Pros and Cons of Various Actions

While the recommendations included in the cumulative waiver report are not a legislative proposal per se, they would represent the consensus of the State Board as to the advisability of supporting certain changes to the School Code. With this in mind, the State Board would need to consider whether it would support the proposed amendments, should the General Assembly decide to act on the recommendations contained in the report.

In the case of legal school holidays, the recommendation put forth represents what has been routinely approved by the State Board of Education rather than addressing those areas usually dealt with by the General Assembly. The State Board’s support of the recommendation acknowledges the routine nature of these requests and the likelihood that applicants meeting the requirements of the waiver law and requirements for approval will continue to have their modification requests granted.

It would be remiss, however, not to acknowledge that a proposal to amend the school holiday statute has the potential to generate a fair amount of controversy, should it be put forth as legislative proposal. In the past, members of both the Senate and House education committees, as well as members of the public, have expressed concerns about holding school on certain legal holidays, particularly Veterans' Day and the birthday of Dr. Martin Luther King, Jr.

Superintendent’s Recommendation

Authorize transmittal of the 2003 Cumulative Waiver Report to the General Assembly, to include the following:

- a legislative proposal to amend Section 24-2 of the School Code to allow the use of legal school holidays as described above, provided appropriate instruction is provided to students; and
- a legislative proposal to amend Section 18-8.05(F)(2) of the School Code to allow districts to shorten the instructional day when the Prairie State Achievement Examination is administered and to count those shortened days among the 176 days of pupil attendance required by the School Code, provided that the districts first accumulate sufficient time beyond the five-clock-hour requirement to be attributed to the shortened days.

Next Steps

Staff will prepare the final report for transmittal to the General Assembly before February 1, 2003.