

July 26, 2006

**APPROVE APPLICATION TO RENEW SCHOOL CODE WAIVER****THE CHIEF EXECUTIVE OFFICER RECOMMENDS:**

That the Chicago Board of Education (the "Board") approve the application for renewal of the waiver of the state mandate regarding physical education for eleventh and twelfth graders which will otherwise expire at the end of the 2006-2007 school year.

Upon approval of this Board Report, the waiver application described below will be forwarded to the Illinois State Board of Education ("ISBE").

**PUBLIC HEARING AND NOTICES:** A Public Hearing on the waiver renewal application was held on July 10, 2006, in accordance with Section 2-3.25g of the Illinois School Code. The hearing was recorded and a copy of the report summarizing the hearing is available for review. Notice was published at in a Chicago newspaper and provided to Chicago state legislators and collective bargaining agents as required by Section 2-3.25g of the Illinois School Code.

**DESCRIPTION OF WAIVER APPLICATION:** In 2002, the ISBE granted the Board's renewal application for a waiver of Illinois School Code mandates for physical education eleventh and twelfth graders which will expire at the end of the 2006-2007 school year.

Without a waiver, the Illinois School Code requires physical education for eleventh and twelfth grade students but authorizes eleventh and twelfth graders to be excused on an individual basis for any of the following reasons: (1) on going participation in an interscholastic athletic program; (2) to enroll in academic classes which are required for admission to an institution of higher learning, provided that failure to take such classes will result in the pupil being denied admission to the institution of his or her choice; or (3) to enroll in academic classes which are required for graduation from high school, provided that failure to take such classes will result in the pupil being unable to graduate.

The requested waiver renewal will allow Chicago Public Schools to continue to excuse all eleventh and twelfth graders from physical education in order to enroll in academic classes for both admission to an institution of higher learning and for graduation from high school. This waiver seeks to improve student performance by promoting enrollment into academic classes.

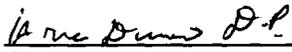
**AUTHORIZATION:** Authorize the Chief Executive Officer to execute the waiver application described above and submit it to ISBE in accordance with Section 2-3.25g of the School Code.

**FINANCIAL:** Not applicable.

Approved for Consideration:

  
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Barbara Eason-Watkins  
Chief Education Officer

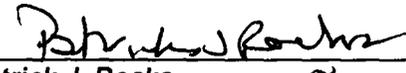
Respectfully Submitted:

  
\_\_\_\_\_  
Arne Duncan  
Chief Executive Officer

Within Appropriation:

  
\_\_\_\_\_  
John Maiorca  
Chief Financial Officer

Approved as to Legal Form: 

  
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Patrick J. Rocks  
General Counsel 