Legal School Holiday Waivers for Specific Holidays

Prior to August, 2009 if a public school calendar had school activities coded on a legal school holiday(s), as described in Section 24-2 of the Illinois School Code, a waiver application had to have been completed and submitted to the Illinois State Board of Education (ISBE) for approval. Once approved a special calendar code was entered into the calendar system to be entered on the holiday(s) for which the district/educational entity had waiver approval. The calendar system provided an error if the district/educational entity entered a calendar code on a holiday for which they did not have approval. The code had to be fixed before the calendar could be submitted to the ROE/ISC/ISBE for approval.

The enactment of P. A. 96-640, which was effective August 24, 2009 made it no longer necessary to have ISBE approval of holiday waiver for 5 legal school holidays (Martin Luther King (third Monday in January), Abraham Lincoln (February 12), Casimir Pulaski (first Monday in March), Christopher Columbus (second Monday in October), and Veterans’ day (November 11). Since ISBE does not have to approve the waiver, no special calendar code is included in the public school calendar system; therefore no error is provided even if the district/educational entity has not completed the process as described in Section 24-2 but changes the code from HOL to a different calendar code. In order to legally use a code other than HOL on a legal school holiday, the district/educational entity must:

1) recognize 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;

2) hold a public hearing about the proposal.

The entity shall provide notice preceding the public hearing to both educators and parents. The notice shall set forth the time, date, and place of the hearing, describe the proposal and indicate that testimony will be taken from educators and parents about the proposal. Once this is done the district/educational entity has approval for exactly what the proposal stated. As long as no term dates are included in the proposal, the waiver is good for life.

Since a special code is no longer entered in the public school calendar system, district/educational entities simply code the day for what they are using it, i.e. pupil attendance day is coded as X, Full day Parent/Teacher Conference day is coded as FPT. It is advised that ROE and ISC staff approving the calendar have documentation from the district supporting that the process has been completed as well as for what the proposal request was. Then the ROE or ISC can keep a database of districts that have approval and for what the approval is, so when approving calendars they know what the entity is approved to do on those holidays. The ROEs/ISCs are not approving the waiver; they are just requesting documentation for verification of the calendar code entered when approving the calendar.

If you have additional questions regarding the Public School Calendar that are not addressed please contact Marj Beck at mbeck@isbe.net or by telephone 217/782-5256.