**IAHPERD Waiver Response Fact Sheet**

**Current Illinois School Code states that students engage in Physical Education for a minimum of 3 days per 5-day week.** This means that school boards can legally offer 3 days a week of PE without filing any type of request for anything.

An “**exemption**” is what the Illinois School Code allows for the removal of a student from Physical Education. These are already in the school code and decided by the local school board-no paperwork needed.

A “**waiver**” is any other exemption the school district wants to create. An application must be filed with the ISBE. A public hearing must take place and must be announced. (examples in the chart)

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| Allowable Exemptions | Waivers (examples) |
| Interscholastic athletics, grades 7 through 12 (on a case by case basis) | No PE during the semester a student takes Driver Education |
| Enrollment in academic classes required for admission to an institution of student’s choice if failure to take the course results in denied admission, grades 11 and 12 | Elementary Teacher Directed PE in lieu of days with a certified PE teacher |
| Enrollment in classes required for graduation if failure to take the course results in the student being unable to graduate, grades 11 and 12 | A student taking 5 academic classes |
| Marching band, grades 9 through 12 | A student in Competitive Show Choir |
| Special Education IEP, grades 3 through 12 | A student taking 2 or more AP classes |
| ROTC, grades 9 through 12 | ***Anything else the school board asks for…*** |

When the Waiver Response chair is contacted by anyone with concerns about a local waiver hearing, that person is directed to resources made available on our website and offered strategies and suggestions to prepare for an effective argument at the public hearing.

It is the philosophy of the Waiver Response committee and IAHPERD that the organization is here for support and resources. ***We cannot do the work of the local community, teachers, and other vested parties to promote the local program***. Unfortunately, once the public hearing is called, although it is vitally important that a strong educated argument against the waiver be presented, little can be done to stop the waiver from being approved.

Once a school board approves a waiver, the application is sent to the ISBE who merely ensures that the proper procedure was followed and does not police the content of the waiver request. It then goes to the Illinois House and Senate Education Committees. If possible, the Waiver Response chair will testify at those hearings in Springfield. Once the waivers are approved in committee, they are voted on by the General Assembly and kids are then deprived of any meaningful Physical Education instruction, exercise, and movement.