



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4143

Introduced 1/22/2020, by Rep. Deanne M. Mazzochi

SYNOPSIS AS INTRODUCED:

105 ILCS 5/22-60

Amends the School Code. Makes changes in provisions prohibiting certain unfunded State mandates. Provides that a school district or private school may discontinue or modify the mandate if (i) a separate State appropriation does not fully fund the mandate or (ii) the mandate does not improve the educational outcomes of the school district or private school. Requires a school board to notify the regional superintendent of schools of its decision to discontinue or modify the mandate. Requires the regional superintendent to approve the discontinuation or modification unless he or she demonstrates that (i) the costs imposed by the mandate are fully funded by a separate State appropriation or (ii) the mandated activity improves the educational outcomes of the school district. Makes other changes. Effectively immediately.

LRB101 16027 CMG 65389 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section
5 22-60 as follows:

6 (105 ILCS 5/22-60)

7 Sec. 22-60. Unfunded mandates prohibited.

8 (a) A ~~Ne~~ public school district or private school is not
9 obligated to comply with the following types of mandates if
10 either condition (i) or (ii) of subsection (b) of this Section
11 is met ~~unless a separate appropriation has been enacted into~~
12 ~~law providing full funding for the mandate for the school year~~
13 ~~during which the mandate is required:~~

14 (1) Any mandate in this Code enacted after the
15 effective date of this amendatory Act of the 96th General
16 Assembly.

17 (2) Any regulatory mandate promulgated by the State
18 Board of Education and adopted by rule after the effective
19 date of this amendatory Act of the 96th General Assembly
20 other than those promulgated with respect to this Section
21 or statutes already enacted on or before the effective date
22 of this amendatory Act of the 96th General Assembly.

23 (b) If the school district or private school determines

1 that a mandate described in subsection (a) of this Section (i)
2 is not being fully funded by a separate State appropriation or
3 (ii) does not improve the educational outcomes of the school
4 district or private school, the school district or private
5 school may choose to discontinue or modify the mandate. ~~If the~~
6 ~~amount appropriated to fund a mandate described in subsection~~
7 ~~(a) of this Section does not fully fund the mandated activity,~~
8 ~~then the school district or private school may choose to~~
9 ~~discontinue or modify the mandated activity to ensure that the~~
10 ~~costs of compliance do not exceed the funding received.~~

11 Before discontinuing or modifying the mandate, the school
12 board of a school district shall give notice in the school
13 board agenda of the decision to discontinue or modify the
14 mandate at 2 successive school board meetings held at least 13
15 days but not more than 60 days apart. The school board may take
16 public testimony about the school board's decision to
17 discontinue or modify the mandate. The school board shall vote
18 to approve or deny the decision to discontinue or modify the
19 mandate. ~~petition its regional superintendent of schools on or~~
20 ~~before February 15 of each year to request to be exempt from~~
21 ~~implementing the mandate in a school or schools in the next~~
22 ~~school year. The petition shall include all legitimate costs~~
23 ~~associated with implementing and operating the mandate, the~~
24 ~~estimated reimbursement from State and federal sources, and any~~
25 ~~unique circumstances the school district can verify that exist~~
26 ~~that would cause the implementation and operation of such a~~

1 ~~mandate to be cost prohibitive.~~

2 If the school board approves the discontinuation or
3 modification of the mandate in a given year, the school board
4 shall notify the regional superintendent of schools of its
5 decision to discontinue or modify the mandate on or before
6 February 15. The regional superintendent of schools shall
7 review the school board's decision to discontinue or modify the
8 mandate. In accordance with the Open Meetings Act, the regional
9 superintendent shall convene a public hearing to hear testimony
10 from the school district and interested community members
11 before he or she makes a decision.

12 Unless the regional superintendent of schools is able to
13 demonstrate that (1) the costs imposed by the mandate are fully
14 funded by a separate State appropriation, provided that, upon
15 request from the regional superintendent, the school district
16 shall provide an accounting of the legitimate costs associated
17 with implementing and operating the mandate and the estimated
18 reimbursement from State and federal sources, or (2) the
19 mandated activity, through objective evidence provided by
20 validated educational studies, improves the educational
21 outcomes of the school district, the regional superintendent
22 shall approve the discontinuation or modification of the
23 mandate. The regional superintendent shall, on or before March
24 30, inform the school board of his or her decision, along with
25 the reasons why the discontinuation or modification of the
26 mandate was approved or denied, in writing. ~~The regional~~

1 ~~superintendent of schools shall review the petition. In~~
2 ~~accordance with the Open Meetings Act, he or she shall convene~~
3 ~~a public hearing to hear testimony from the school district and~~
4 ~~interested community members. The regional superintendent~~
5 ~~shall, on or before March 15 of each year, inform the school~~
6 ~~district of his or her decision, along with the reasons why the~~
7 ~~exemption was granted or denied, in writing.~~ The regional
8 superintendent must also send notification to the State Board
9 of Education detailing which school boards of school districts
10 approved the discontinuation or modification of a mandate
11 ~~requested an exemption~~ and the results.

12 If the regional superintendent of schools approves the
13 discontinuation or modification because the State is not fully
14 funding the mandated activity ~~grants an exemption to the school~~
15 ~~district,~~ then the school district is relieved from the
16 requirement to establish and implement the mandate ~~in the~~
17 ~~school or schools granted an exemption~~ for the next school
18 year. If the regional superintendent of schools approves the
19 discontinuation or modification because the mandated activity
20 does not improve educational outcomes, then the school district
21 is relieved from the requirement to establish and implement the
22 mandate for the next 5 school years. If the regional
23 superintendent of schools denies the discontinuation or
24 modification ~~does not grant an exemption,~~ then the school
25 district ~~shall implement the mandate in accordance with the~~
26 ~~applicable law or rule by the first student attendance day of~~

1 ~~the next school year. However, the school district~~ or a
2 resident of the school district may on or before April 15
3 appeal the decision of the regional superintendent to the State
4 Superintendent of Education. The State Superintendent shall
5 hear appeals on the decisions of regional superintendents of
6 schools no later than May 15 of each year. The State
7 Superintendent shall make a final decision at the conclusion of
8 the hearing on the school district's request for a
9 discontinuation or modification of ~~an exemption from~~ the
10 mandate. If the State Superintendent approves the
11 discontinuation or modification ~~grants an exemption~~, then the
12 school district is relieved from the requirement to implement
13 the ~~a mandate in the school or schools granted an exemption~~ for
14 the next school year if the State is not fully funding the
15 mandated activity or the next 5 school years if the mandated
16 activity does not improve educational outcomes. If the State
17 Superintendent does not approve the discontinuation or
18 modification ~~grant an exemption~~, then the school district shall
19 implement the mandate in accordance with the applicable law or
20 rule by the first student attendance day of the next school
21 year.

22 If a school district or private school discontinues or
23 modifies a mandated activity (i) due to lack of full funding
24 from the State or (ii) because the mandated activity does not
25 improve the educational outcomes of the school district or
26 private school, then the school district or private school

1 shall annually maintain and update a list of discontinued or
2 modified mandated activities. The list shall be provided to the
3 State Board of Education upon request.

4 (c) (Blank). ~~This Section does not apply to (i) any new~~
5 ~~statutory or regulatory mandates related to revised learning~~
6 ~~standards developed through the Common Core State Standards~~
7 ~~Initiative and assessments developed to align with those~~
8 ~~standards or actions specified in this State's Phase 2 Race to~~
9 ~~the Top Grant application if the application is approved by the~~
10 ~~United States Department of Education or (ii) new statutory or~~
11 ~~regulatory mandates from the Race to the Top Grant through the~~
12 ~~federal American Recovery and Reinvestment Act of 2009 imposed~~
13 ~~on school districts designated as being in the lowest~~
14 ~~performing 5% of schools within the Race to the Top Grant~~
15 ~~application.~~

16 (d) In any instances in which this Section conflicts with
17 the State Mandates Act, this Section ~~the State Mandates Act~~
18 shall prevail.

19 (Source: P.A. 96-1441, eff. 8-20-10.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.