



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB1906

Introduced 2/17/2021, by Rep. Deanne M. Mazzochi, Thomas M. Bennett and Chris Miller

SYNOPSIS AS INTRODUCED:

105 ILCS 5/22-60

Amends the School Code. Until July 1, 2031, provides that a school district is relieved from the requirement to establish and implement certain unfunded mandates for a period of up to 5 years if specified conditions are met. In a provision that prohibits certain unfunded mandates, provides that the provision does not allow a school district or private school to discontinue or modify any law, rule, or regulation pertaining to special education, teacher educator licensure, teacher tenure and seniority, or voter eligibility; to fail to comply with the federal Every Student Succeeds Act; or to discontinue or modify any requirement for student performance data to be a significant factor in teacher or principal evaluations or teachers and principals to be rated using specified categories. Requires a public hearing before discontinuing or modifying a mandate. Sets forth notice procedures and a review process. Provides that if the provisions prohibiting certain unfunded mandates conflict with the State Mandates Act, the provisions prohibiting certain unfunded mandates (instead of the State Mandates Act) shall prevail. Effective July 1, 2021.

LRB102 04301 CMG 14319 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 (I) This subsection (I) applies before July 1, 2031.

9 (a) No public school district or private school is
10 obligated to comply with the following types of mandates
11 unless a separate appropriation, excluding funds
12 appropriated under Section 18-8.15 of this Code, has been
13 enacted into law providing full funding for the mandate
14 for the school year in which the mandate is initially
15 discontinued or modified:

16 (1) Any mandate in this Code enacted after August
17 20, 2010 (the effective date of Public Act 96-1441).

18 (2) Any regulatory mandate promulgated by the
19 State Board of Education and adopted by rule after
20 August 20, 2010 (the effective date of Public Act
21 96-1441) other than those promulgated with respect to
22 this Section or statutes already enacted on or before
23 August 20, 2010 (the effective date of Public Act

1 96-1441).

2 (b) If the amount appropriated to fund a mandate
3 described in paragraph (a) of this subsection (I) does not
4 fully fund the mandated activity, then the school district
5 or private school may choose to discontinue or modify the
6 mandated activity to ensure that the costs of compliance
7 do not exceed the funding received.

8 This Section does not allow a school district or
9 private school to discontinue or modify any law, rule, or
10 regulation pertaining to special education, teacher
11 educator licensure, teacher tenure and seniority, or
12 Section 5-2.1 of this Code or to fail to comply with the
13 federal Every Student Succeeds Act (Public Law 114-95). A
14 school district or private school may not discontinue or
15 modify any requirement for (i) student performance data to
16 be a significant factor in teacher or principal
17 evaluations or (ii) teachers and principals to be rated
18 using the 4 categories of "excellent", "proficient",
19 "needs improvement", or "unsatisfactory".

20 Before discontinuing or modifying the mandate, a
21 school board shall conduct a public hearing. At least 14
22 days prior to the public hearing, the school board shall
23 post on its website information that sets forth the time,
24 date, place, list of mandates to be discontinued or
25 modified, and time period for the discontinuation or
26 modification. The time period for seeking relief shall not

1 exceed 5 years from the date of decision by the school
2 board.

3 The school board shall also give notice to the
4 overseeing regional superintendent of schools, the
5 exclusive collective bargaining agent, and the president
6 of any parent-teacher associations for the school or
7 schools affected by the mandate. At the discretion of the
8 school board, if more than one mandate is to be
9 discontinued or modified, each mandate may be considered
10 during a single public hearing or during separate hearings
11 if the posting requirements in this paragraph (b) are
12 satisfied.

13 The school board must also give notice, in the school
14 board's agenda, about the decision to discontinue or
15 modify the mandate at 2 successive school board meetings
16 held at least 13 days after the public hearing, but not
17 more than 60 days apart or more than 60 days after the
18 public hearing. The school board may take public testimony
19 about the proposal to discontinue or modify the mandate.
20 The school board shall vote to approve or deny the
21 decision to discontinue or modify each mandate or group of
22 mandates.

23 The school board shall set forth its reasons for
24 discontinuing or modifying the mandate or mandates in
25 writing and shall submit such findings within 30 days to
26 the regional superintendent, the exclusive collective

1 bargaining agent, and, if applicable, the president of any
2 parent-teacher association associated with the impacted
3 school or schools.

4 The regional superintendent of schools shall review
5 the findings. In accordance with the Open Meetings Act, he
6 or she may convene a public hearing to hear testimony from
7 the school district and interested community members. The
8 regional superintendent shall, within 30 days, inform the
9 school district of any objections to the discontinuation
10 or modification in writing. The objections must be limited
11 to: (i) proof of full funding by State appropriation,
12 separate of funds appropriated under Section 18-8.15 of
13 this Code; (ii) for curriculum mandates, an identification
14 of learning resources that are readily available to the
15 school at no cost; (iii) for programming mandates, that
16 resources are readily available to the school at no cost;
17 or (iv) that the mandate relief sought will adversely
18 change the health, life, safety, or well-being of the
19 students involved. The regional superintendent must also
20 send notification to the State Board of Education
21 detailing which school districts requested an exemption or
22 modification and any objections from the regional
23 superintendent.

24 Unless the regional superintendent denies the
25 exemption, then the school district is relieved from the
26 requirement to establish and implement the mandate in the

1 school or schools granted an exemption for the time period
2 in the published notice, which period shall not exceed 5
3 years from the date of the school board's decision. The
4 school district or a resident of the school district may
5 appeal the decision of the regional superintendent to the
6 State Superintendent of Education within 30 calendar days.
7 The State Superintendent shall determine no later than 30
8 calendar days from the date of receipt of the appeal
9 whether to approve or disapprove the discontinuation or
10 modification of the mandate. The State Superintendent
11 shall issue a final decision within 30 calendar days.
12 Unless the State Superintendent denies the exemption, then
13 the school district is relieved from the requirement to
14 implement a mandate for the time period in the published
15 notice, which period shall not exceed 5 years from the
16 date of the school board's decision. If the State
17 Superintendent objects to an exemption, then the school
18 district shall implement the mandate in accordance with
19 the applicable law or rule by the first student attendance
20 day of the next school year.

21 If a school district or private school discontinues or
22 modifies a mandated activity due to lack of full funding
23 from the State, then the school district or private school
24 shall annually maintain and update a list of discontinued
25 or modified mandated activities. The list shall be
26 provided to the State Board of Education upon request and

1 the General Assembly members representing the school
2 district of the impacted school or schools upon request.

3 (c) In any instances in which this Section conflicts
4 with the State Mandates Act, this Section shall prevail.

5 (II) This subsection (II) applies on and after July 1,
6 2031.

7 (a) No public school district or private school is
8 obligated to comply with the following types of mandates
9 unless a separate appropriation has been enacted into law
10 providing full funding for the mandate for the school year
11 during which the mandate is required:

12 (1) Any mandate in this Code enacted after August
13 20, 2010 (the effective date of Public Act 96-1441)
14 ~~this amendatory Act of the 96th General Assembly.~~

15 (2) Any regulatory mandate promulgated by the
16 State Board of Education and adopted by rule after
17 August 20, 2010 (the effective date of Public Act
18 96-1441) ~~this amendatory Act of the 96th General~~
19 ~~Assembly~~ other than those promulgated with respect to
20 this Section or statutes already enacted on or before
21 August 20, 2010 (the effective date of Public Act
22 96-1441) ~~this amendatory Act of the 96th General~~
23 ~~Assembly.~~

24 (b) If the amount appropriated to fund a mandate
25 described in paragraph subsection (a) of this subsection
26 (II) ~~this Section~~ does not fully fund the mandated

1 activity, then the school district or private school may
2 choose to discontinue or modify the mandated activity to
3 ensure that the costs of compliance do not exceed the
4 funding received.

5 Before discontinuing or modifying the mandate, the
6 school district shall petition its regional superintendent
7 of schools on or before February 15 of each year to request
8 to be exempt from implementing the mandate in a school or
9 schools in the next school year. The petition shall
10 include all legitimate costs associated with implementing
11 and operating the mandate, the estimated reimbursement
12 from State and federal sources, and any unique
13 circumstances the school district can verify that exist
14 that would cause the implementation and operation of such
15 a mandate to be cost prohibitive.

16 The regional superintendent of schools shall review
17 the petition. In accordance with the Open Meetings Act, he
18 or she shall convene a public hearing to hear testimony
19 from the school district and interested community members.
20 The regional superintendent shall, on or before March 15
21 of each year, inform the school district of his or her
22 decision, along with the reasons why the exemption was
23 granted or denied, in writing. The regional superintendent
24 must also send notification to the State Board of
25 Education detailing which school districts requested an
26 exemption and the results.

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

26 If a school district or private school discontinues or

1 modifies a mandated activity due to lack of full funding
2 from the State, then the school district or private school
3 shall annually maintain and update a list of discontinued
4 or modified mandated activities. The list shall be
5 provided to the State Board of Education upon request.

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

19 (d) In any instances in which this Section conflicts
20 with the State Mandates Act, the State Mandates Act shall
21 prevail.

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

23 Section 99. Effective date. This Act takes effect July 1,
24 2021.