



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5122

Introduced 1/27/2022, by Rep. Deanne M. Mazzochi

SYNOPSIS AS INTRODUCED:

105 ILCS 5/22-94 new

Amends the School Code. Defines terms. Provides that no school district is obligated to comply with any mandate in any school year in which the school district is designated as a Tier 3 or Tier 4 organizational unit with specified exceptions. Provides that before discontinuing or modifying a mandate, the school district shall conduct a public hearing separate of a regular school board meeting. Provides notice requirements for the public hearing. Provides that the discontinuation and modification of a mandate shall not be more than 5 years and while the school district is still designated as either Tier 3 or Tier 4. Provides that the voters of a school district may submit a petition to place a question on the ballot at the next regularly scheduled election to discontinue or modify a mandate. Provides that no school district that discontinues or modifies a mandate shall be limited in their authority to participate in interscholastic athletics or activities or any other extracurricular events. Effective July 1, 2022.

LRB102 24086 RJT 33309 b

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 adding Section
5 22-94 as follows:

6 (105 ILCS 5/22-94 new)

7 Sec. 22-94. School district mandates compliance.

8 (a) Definitions. For purposes of this Section only:

9 "School district" means any public school district that is
10 designated by the State Board as a Tier 3 or Tier 4
11 organizational unit as defined by Section 18-8.15 of this Code
12 for a particular school year.

13 "Mandate" means any provision of the School Code or any
14 rule adopted by the State Board through authority given to the
15 State Board in the School Code.

16 (b) Beginning with the 2022-2023 school year, no school
17 district is obligated to comply with any mandate in any school
18 year in which the school district is designated as a Tier 3 or
19 Tier 4 organizational unit, except that a school district
20 shall not discontinue or modify any mandate pertaining to
21 special education, teacher educator licensure, teacher tenure
22 and seniority, Section 5-2.1 of this Code, any law, rule, or
23 regulation governed by the federal Every Student Succeeds Act,

1 and any requirement for (i) student performance data to be a
2 significant factor in teacher or principal evaluations or (ii)
3 teachers and principals to be rated using the 4 categories of
4 "excellent", "proficient", "needs improvement", or
5 "unsatisfactory".

6 (c) Before discontinuing or modifying a mandate under this
7 Section, the school district shall conduct a public hearing
8 separate of a regular school board meeting. At least 14 days
9 prior to the public hearing, the school board shall post on its
10 website information that sets forth the time, date, place, the
11 list of mandates to be discontinued or modified, and the time
12 period for the discontinuation or modification of the mandate,
13 which shall not be more than 5 school years. The school board
14 shall also give notice to the overseeing regional
15 superintendent of schools, the exclusive collective bargaining
16 agent, and the president of any parent-teacher associations
17 for the school or schools affected by the discontinuation or
18 modification of the mandate. At the discretion of the school
19 board, if more than one mandate is to be discontinued or
20 modified, each mandate may be considered during a single
21 public hearing or during separate public hearings if the
22 posting requirement in this subsection is satisfied. At the
23 public hearing, the school board shall allow for testimony
24 from members of the public and school personnel. At the next
25 regularly-scheduled school board meeting, the school board may
26 take a vote to discontinue or modify the mandates discussed

1 during the public hearing. Upon approval, the discontinuation
2 or modification of a mandate shall be valid for a time period
3 as described by the school board so long as the time period is
4 no more than 5 school years and the school district remains
5 designated as a Tier 3 or Tier 4 organizational unit. A school
6 board may revisit the discontinuation or modification of a
7 mandate at any time following approval and may extend the
8 discontinuation or modification after the time period has
9 lapsed for initial approval so long as the school board
10 initiates the public hearing process described in this
11 subsection (c).

12 (d) In addition to the process described in subsection
13 (c), in accordance with the Election Code, the voters of a
14 school district may submit a petition to place a question on
15 the ballot at the next regularly scheduled election to
16 discontinue or modify a mandate. The petition may not seek to
17 discontinue or modify a mandate under this Section for more
18 than 5 years and the discontinuation or modification of the
19 mandate may be valid so long as the school district remains
20 designated as a Tier 3 or Tier 4 organizational unit under
21 Section 18-8.15 of this Code.

22 The question shall be placed on the ballot by the
23 appropriate election authority in accordance with the Election
24 Code if the petition is signed by no less than 5% of the
25 electors voting in the school district's last regularly
26 scheduled school board election.

1 At least 2 weeks prior to any voting beginning for the
2 election in which the question will be submitted to the
3 voters, notice shall be provided in a newspaper of general
4 circulation covering the school district that describes the
5 mandate that will be discontinued or modified. Notice shall be
6 provided by the party or parties that submitted the petition
7 to the appropriate election authority, and the election
8 authority must notified the party or parties of the notice
9 requirement upon submitting the party or parties submitting
10 the petition.

11 The election authority must submit the question in
12 substantially the following form:

13 "Shall (school district name and number) discontinue or
14 modify the following State-initiated mandate (describe
15 mandate) for the time period of (describe time period) so long
16 as the school district remains designated as a Tier 3 or Tier 4
17 organizational unit under Section 18-8.15 of the Illinois
18 School Code?"

19 The election authority must record the votes as "Yes" or
20 "No."

21 If a majority of the electors voting on the question vote
22 in the affirmative, then the school district shall discontinue
23 or modify the mandate for the time period described in the
24 ballot question.

25 (e) No school district that discontinues or modifies a
26 mandate under this Section shall be limited in their authority

1 to participate in interscholastic athletics or activities or
2 any other extracurricular events.

3 Section 99. Effective date. This Act takes effect July 1,
4 2022.