



Sen. Edward D. Maloney

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09600HB4711sam001

LRB096 14665 NHT 41131 a

1 AMENDMENT TO HOUSE BILL 4711

2 AMENDMENT NO. _____. Amend House Bill 4711 by replacing
3 everything after the enacting clause with the following:

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

6 (105 ILCS 5/22-60 new)

7 Sec. 22-60. Unfunded mandates prohibited.

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

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

16 (2) Any regulatory mandate promulgated by the State

1 Board of Education and adopted by rule after the effective
2 date of this amendatory Act of the 96th General Assembly
3 other than those promulgated with respect to this Section
4 or statutes already enacted on or before the effective date
5 of this amendatory Act of the 96th General Assembly.

6 (b) If the amount appropriated to fund a mandate described
7 in subsection (a) of this Section does not fully fund the
8 mandated activity, then the school district or private school
9 may choose to discontinue or modify the mandated activity to
10 ensure that the costs of compliance do not exceed the funding
11 received.

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

22 The regional superintendent of schools shall review the
23 petition. In accordance with the Open Meetings Act, he or she
24 shall convene a public hearing to hear testimony from the
25 school district and interested community members. The regional
26 superintendent shall, on or before March 15 of each year,

1 inform the school district of his or her decision, along with
2 the reasons why the exemption was granted or denied, in
3 writing. The regional superintendent must also send
4 notification to the State Board of Education detailing which
5 school districts requested an exemption and the results.

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

1 accordance with the applicable law or rule by the first student
2 attendance day of the next school year.

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

9 (c) This Section does not apply to (i) any new statutory or
10 regulatory mandates related to revised learning standards
11 developed through the Common Core State Standards Initiative
12 and assessments developed to align with those standards or
13 actions specified in this State's Phase 2 Race to the Top Grant
14 application if the application is approved by the United States
15 Department of Education or (ii) new statutory or regulatory
16 mandates from the Race to the Top Grant through the federal
17 American Recovery and Reinvestment Act of 2009 imposed on
18 school districts designated as being in the lowest performing
19 5% of schools within the Race to the Top Grant application.

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

22 Section 99. Effective date. This Act takes effect upon
23 becoming law."