



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB3662

Introduced 5/20/2014, by Sen. Jennifer Bertino-Tarrant

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/22-62 new  
105 ILCS 5/22-60 rep.

Amends the School Code. Provides that school districts need not comply with and may discharge any mandate or requirement placed on school districts by the Code or by administrative rules adopted by the State Board of Education that is unfunded; with exceptions. Provides that before a school district may lawfully discharge an unfunded mandate, it must hold a public hearing on the matter; sets forth requirements concerning the hearing. Requires a school board to report each unfunded mandate it has discharged to the State Board of Education, and requires the State Board to compile and report this information to the General Assembly each year. Repeals a Section of the Code concerning an unfunded mandates prohibition.

LRB098 20786 NHT 59653 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 adding Section  
5 22-62 as follows:

6 (105 ILCS 5/22-62 new)

7 Sec. 22-62. Discharge of unfunded mandates.

8 (a) School districts need not comply with and may discharge  
9 any mandate or requirement placed on school districts by this  
10 Code or by administrative rules adopted by the State Board of  
11 Education that is unfunded.

12 (b) Subsection (a) of this Section does not apply to any of  
13 the following:

14 (1) Laws and rules pertaining to special education;  
15 student health, life, or safety; teacher certification;  
16 teacher tenure and seniority; or Section 5-2.1 of this  
17 Code.

18 (2) Federally required mandates, including without  
19 limitation compliance with the federal No Child Left Behind  
20 Act of 2001 (Public Law 107-110).

21 (3) English Language Learner requirements.

22 (c) Before a school district may lawfully discharge an  
23 unfunded mandate under subsection (a) of this Section, it must

1 hold a public hearing on the matter. The school district must  
2 post information that sets forth the time, date, place, and  
3 general subject matter of the public hearing on its Internet  
4 website at least 14 days prior to the hearing. The school  
5 district must publish a notice of the public hearing at least 7  
6 days prior to the hearing in a newspaper of general circulation  
7 within the school district that sets forth the time, date,  
8 place, and general subject matter of the hearing. The school  
9 district must notify, in writing, the affected exclusive  
10 collective bargaining agent and those State legislators  
11 representing the affected territory of its intent to discharge  
12 an unfunded mandate and of the hearing to be held to take  
13 testimony from staff. The affected exclusive collective  
14 bargaining agent must be notified of the public hearing at  
15 least 7 days prior to the date of the hearing and must be  
16 allowed to attend the hearing. The school district shall attest  
17 to compliance with the requirements of this subsection (c).

18 (d) A school board shall report each unfunded mandate it  
19 has discharged under this Section to the State Board of  
20 Education. The State Board shall compile and report this  
21 information to the General Assembly each year.

22 (105 ILCS 5/22-60 rep.)

23 Section 10. The School Code is amended by repealing Section  
24 22-60.