



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4352

by Rep. Jerry Lee Long

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.

LRB100 16245 LNS 31368 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 student health, life,
15 or safety.

16 (2) Federally required mandates, including without
17 limitation compliance with the federal Every Student
18 Succeeds Act.

19 (3) Laws and rules pertaining to civil rights and
20 protections.

21 (c) Before a school district may lawfully discharge an
22 unfunded mandate under subsection (a) of this Section, it must
23 hold a public hearing on the matter. The school district must

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

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

21 (105 ILCS 5/22-60 rep.)

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