



Sen. Andy Manar

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09800SB0016sam004

LRB098 04277 AMC 59538 a

1 AMENDMENT TO SENATE BILL 16

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 16, AS AMENDED,  
3 with reference to page and line numbers of Senate Amendment No.  
4 3, on page 103, line 21, after "18-12,", by inserting "22-60,";  
5 and

6 on page 353, immediately below line 10, by inserting the  
7 following:

8 "(105 ILCS 5/22-60)  
9 Sec. 22-60. Unfunded mandates prohibited.

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

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

1 Assembly.

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

8 (3) Any mandate in Article 27 of this Code, except  
9 those included as of the effective date of this amendatory  
10 Act of the 98th General Assembly in Sections 27-1, 27-2,  
11 27-8.1, 27-14, and 27-22. The provisions of this paragraph  
12 (3) are operative only during the 2014-2015, 2015-2016, and  
13 2016-2017 school years.

14 (b) If the amount appropriated to fund a mandate described  
15 in subsection (a) of this Section does not fully fund the  
16 mandated activity, then the school district or private school  
17 may choose to discontinue or modify the mandated activity to  
18 ensure that the costs of compliance do not exceed the funding  
19 received.

20 Before discontinuing or modifying the mandate, the school  
21 district shall petition its regional superintendent of schools  
22 on or before February 15 of each year to request to be exempt  
23 from implementing the mandate in a school or schools in the  
24 next school year. The petition shall include all legitimate  
25 costs associated with implementing and operating the mandate,  
26 the estimated reimbursement from State and federal sources, and

1 any unique circumstances the school district can verify that  
2 exist that would cause the implementation and operation of such  
3 a mandate to be cost prohibitive.

4 The regional superintendent of schools shall review the  
5 petition. In accordance with the Open Meetings Act, he or she  
6 shall convene a public hearing to hear testimony from the  
7 school district and interested community members. The regional  
8 superintendent shall, on or before March 15 of each year,  
9 inform the school district of his or her decision, along with  
10 the reasons why the exemption was granted or denied, in  
11 writing. The regional superintendent must also send  
12 notification to the State Board of Education detailing which  
13 school districts requested an exemption and the results.

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

1 each year. The State Superintendent shall make a final decision  
2 at the conclusion of the hearing on the school district's  
3 request for an exemption from the mandate. If the State  
4 Superintendent grants an exemption, then the school district is  
5 relieved from the requirement to implement a mandate in the  
6 school or schools granted an exemption for the next school  
7 year. If the State Superintendent does not grant an exemption,  
8 then the school district shall implement the mandate in  
9 accordance with the applicable law or rule by the first student  
10 attendance day of the next school year.

11 If a school district or private school discontinues or  
12 modifies a mandated activity due to lack of full funding from  
13 the State, then the school district or private school shall  
14 annually maintain and update a list of discontinued or modified  
15 mandated activities. The list shall be provided to the State  
16 Board of Education upon request.

17 (c) This Section does not apply to (i) any new statutory or  
18 regulatory mandates related to revised learning standards  
19 developed through the Common Core State Standards Initiative  
20 and assessments developed to align with those standards or  
21 actions specified in this State's Phase 2 Race to the Top Grant  
22 application if the application is approved by the United States  
23 Department of Education or (ii) new statutory or regulatory  
24 mandates from the Race to the Top Grant through the federal  
25 American Recovery and Reinvestment Act of 2009 imposed on  
26 school districts designated as being in the lowest performing

1 5% of schools within the Race to the Top Grant application.

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

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