



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB3535

by Rep. Esther Golar

#### 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.

LRB099 11110 NHT 31528 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 No Child Left Behind  
18 Act of 2001 (Public Law 107-110).

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.