

Relief From Unfunded Mandates With Enactment Of New State Law

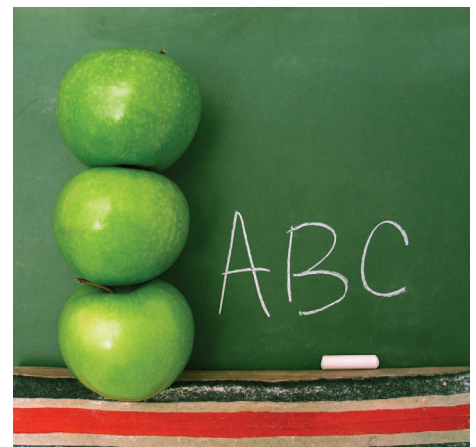
Illinois schools have been provided some relief from unfunded mandates with the enactment of Public Act 96-1441, titled "Unfunded Mandates Prohibited." Under this new law, Illinois schools need not comply with State mandates, unless "a separate appropriation has been enacted into law providing full funding for the mandate for the school year during which the mandate is required." This new law applies to new unfunded mandates under the Illinois School Code and in the State Board of Education regulations that take effect after August 20, 2010.

If the State provides partial funding for a mandate, your school may discontinue or modify the activity to ensure the cost of compliance does not exceed the funding received. If your school decides to go this route, be aware that before "discontinuing or modifying the mandate, the school district shall petition its regional superintendent of schools." The regional superintendent will then hold a hearing and decide whether to grant the school's petition. Thus, regional superintendents will have control over whether schools must comply with partially funded mandates.

The process for petitioning the regional superintendent or immediate service centers for relief from partially funded mandates has several steps, and your school should be careful to follow the statutory requirements precisely. You can access the process at the following link:

For more information about matters discussed in this issue, please contact any of following KTJ School Law Attorneys:

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Unfunded Mandates Procedures Under New State Law

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