

EDUCATIONAL MANDATES

Annual Report -- 2008

**Illinois State Board of Education
Rules and Waivers Division
March 2009**

**Jesse H. Ruiz, Chairman
State Board of Education**

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Foreword

The Illinois State Board of Education, pursuant to 105 ILCS 5/2-3.104, must submit to the Illinois General Assembly by March 1 of each year a report listing "all State mandates applicable to the common schools during the school year covered by the report, excluding only those mandates that relate to school elections." The report must include a description of the mandate (with statutory citation), the date the mandate became effective, cost of implementing the mandate, and whether the mandate exists because of a federal law or regulation.

For the purposes of this report and in an effort to have a common definition for the term "mandate," the definition in the State Mandates Act (30 ILCS 805/3(b)) was used; that is, a mandate would be any action at the state level that would require a local education agency to incur additional costs payable from local revenue in carrying out that action. Cost determinations for these mandates were made based upon available data.

This annual report covers all education-related mandates enacted in the 2007 and 2008 legislative sessions and effective for the school year 2008-2009.

Christopher A. Koch, Ed.D.
State Superintendent of Education

2008 Laws

Public Act/Summary

Cost

Introduction

Educational Mandates lists all state mandates applicable to the common schools except those that relate to school elections. The report includes a summary of the mandate (with statutory citation), the date the mandate became effective, cost of implementing the mandate, and, if applicable, whether the mandate exists because of a federal law or regulation.

Identification of Mandates

For the purposes of identifying state mandates pertaining to education, the definition contained in the State Mandates Act (30 ILCS 805/3(b)) was used:

... any State-initiated statutory or executive action that requires a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues, excluding any order issued by a court other than any order enforcing such statutory or executive action.

This report covers all education-related mandates enacted in the 2007 and 2008 legislative sessions and effective for the school year 2008-2009. In compiling the report, State Board staff examined all amendments to existing statutes and all new statutes from the 2007 and 2008 legislative sessions to determine whether the public acts contained a mandate on school districts.

Determination of Cost

Since it is often difficult to determine the exact cost of a mandate on a local education agency, cost estimates in the report are based on available data. Three general categories are used for cost estimates:

A. The mandate does impose an additional cost, which is _____.

This category will include those mandates for which there has been an appropriation. It cannot be determined, however, whether the appropriation fully covers the cost of the mandate on the local education agency nor the amount of local resources used to make up a shortfall.

B. The mandate does not impose an additional cost.

These categories will include those mandates that:

1. impose additional duties of a nature that can be carried out by existing staff and procedures at no appreciable net cost increase, or
2. create additional costs but also provide offsetting savings resulting in no aggregate increase in net costs, or
3. create an additional cost that is wholly or largely recovered from federal, state, or other external financial aid.

C. The mandate imposes an additional cost, but that amount is indeterminate.

Under the "Cost" section of the report, a letter corresponding to the above categories is used. A key is provided at the bottom of each page.

2008 Laws

Public Act/Summary

Cost

P.A. 95-310

Amending 105 ILCS 5/27-24.3, effective July 1, 2008

Requires school districts to provide six hours of practice driving in a dual control car for each student, rather than allowing them to provide fewer hours through programs that include proficiency testing or alternate practice driving methods as stipulated in State Board of Education administrative rules.

C

P.A. 95-712

Amending 210 ILCS 74/5.25, effective January 1, 2009

Requires public schools to have available an automated external defibrillator (AED) for use at any outdoor physical activity facility. Further requires that a person trained in the use of the AED be present at the facility during any physical activity and specifies requirements for housing and accessibility of the AED.

C

P.A. 95-741

Amending 105 ILCS 5/10-20.19c and 34-18.15, effective July 18, 2008

Adds “solid waste management” to the requirements of the recycled paper and paper products laws. Also requires that school districts periodically review their procurement procedures and specifications related to the purchases and provide preference to products and supplies that contain the “highest” amount of recycled material and are consistent with the effective use of the products or supplies, if economically and practically feasible; changes dates for procuring these materials when feasible.

C

(Exempt from the provisions of the State Mandates Act.)

Also requires the periodic review of procedures related to solid waste management, with a requirement of 75 percent reduction (previously 50 percent) in the amount of solid waste generated by a school district by July 1, 2020.

P.A. 95-763

Adding 802 ILCS 148, effective January 1, 2009

Creates the Civil Air Patrol Leave Act and requires employers – which include local units of government – to extend unpaid leave to qualifying individuals for a length of time and under parameters set forth in the act.

C

NOTE: Please see "Introduction" for further explanation of these categories.

- A. The mandate does impose an additional cost, which is _____.
- B. The mandate does not impose an additional cost.
- C. The mandate imposes an additional cost, but that amount is indeterminate.

2008 Laws

Public Act/Summary	Cost
<p>P.A. 95-764 <u>Amending 105 ILCS 110/3, effective January 1, 2009</u></p> <p>Requires that school districts include in their comprehensive health education curricula for secondary schools instruction specific to sexual assault awareness.</p>	<p>B <i>(Exempt from the provisions of the State Mandates Act.)</i></p>
<p>P.A. 95-793 <u>Amending 105 ILCS 5/14-8.03, effective August 8, 2008</u></p> <p>Clarifies that students with Individualized Educational Plans be served in programs until the day before the student turns 22 years of age. Previously, students were served until they turned 21 years of age, except that students already enrolled were served until the end of the school year in which they turned 22.</p>	<p>C</p>
<p><u>Amending 105 ILCS 5/18-3, effective August 8, 2008</u></p> <p>Requires school districts to certify to the State Board of Education reports of claims for reimbursement for tuition for children in orphanages and like facilities by July 15 (rather than July 31) and for summer school session, by November 1.</p>	<p>B <i>(Implements a federal requirement.)</i></p>
<p>P.A. 95-863 <u>Amending 105 ILCS 5/27-12.1, effective January 1, 2009</u></p> <p>Requires school districts to include a unit of instruction in consumer education courses that addresses the basic process of obtaining a home, including information about mortgages, mortgage rates, subprime loans and predatory lending.</p>	<p>B</p>
<p>P.A. 95-866 <u>Amending 70 ILCS 705/4, effective January 1, 2009</u></p> <p>Requires school districts to excuse from work any employee who is an appointed trustee of a fire protection district for the time necessary to attend a meeting of the board of trustees and to travel to and from that meeting; no compensation need be provided, however, during the employee's absence from work for this purpose.</p>	<p>B</p>

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2008 Laws

Public Act/Summary	Cost
<p>P.A. 95-903 <u>Amending 105 ILCS 5/29-3, effective August 25, 2008</u></p> <p>Requires any newly created school district (a high school to unit, unit to dual, or multi-unit conversions) to provide free transportation to its students if any of the territory in the newly created district previously was required to provide free transportation in accordance with Section 29-3.</p>	B
<p>P.A. 95-927 <u>Amending 410 ILCS 523/25, effective January 1, 2009</u></p> <p>Makes certain requirements regarding genetic testing and prohibits an employer (including a local unit of government) from penalizing an employee in anyway due to genetic testing results. Sets other conditions relative to genetic testing.</p>	B
<p>P.A. 95-95-938 <u>Amending 105 ILCS 5/14-7.05, effective August 29, 2008</u></p> <p>Requires that when a student is placed in a residential facility, the district of residence must retain control of the IEP process, which must be done in compliance with the federal Individuals with Disabilities Act.</p>	B
<p>P.A. 95-958 (also see PA 95-978) <u>Amending 105 ILCS 5/10-22.3f, effective June 1, 2009</u></p> <p>Requires that health benefits include coverage for the shingles vaccine and for additional dependent coverage, under circumstances specified under 215 ILCS 5/356z.12 and 356z.11, respectively.</p>	C
<p>P.A. 95-978 (also see PA 95-958) <u>Amending 105 ILCS 5/10-22.3f, effective January 1, 2009</u></p> <p>Requires that health benefits include coverage for the shingles vaccine under 215 ILCS 5/356z.11.</p>	C <i>(Exempt from the provisions of the State Mandates Act.)</i>

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2008 Laws

Public Act/Summary	Cost
<p>P.A. 95-1005 <u>Amending 105 ILCS 5/10-22.3f, effective December 12, 2008</u></p> <p>Requires that health benefits include coverage for the diagnosis and treatment of autism spectrum disorders, under circumstances specified under 215 ILCS 5/356z.14.</p>	C
<p>P.A. 95-1015 <u>Amending 105 ILCS 128/20, effective December 15, 2008</u></p> <p>Requires each school to conduct a law enforcement drill, to be conducted in accordance with the school district's emergency and crisis response plans, protocols and procedures, with participation of the appropriate law enforcement agency.</p>	B <i>(Exempt from the provisions of the State Mandates Act.)</i>
<p>P.A. 95-1016 <u>Amending 65 ILCS 5/11-5-9, effective June 1, 2009</u></p> <p>Limits a school district's authority to release student records to a juvenile authority in cases of truancy only to those instances where the school district determines that disclosure of such records will assist the authority in serving the student and if the authority certifies to the district in writing that no information will be disclosed to any entity or individual without the prior written consent of the student's parent or custodian.</p>	C

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