



Illinois State Board of Education

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Jesse H. Ruiz
Chairman

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Governor

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

February 28, 2008

TO: The Honorable Emil Jones, Jr., Senate President
The Honorable Frank C. Watson, Senate Republican Leader
The Honorable Michael J. Madigan, Speaker of the House
The Honorable Tom Cross, House Republican Leader

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

SUBJECT: 2007 Educational Mandates Report

Enclosed are copies of the report on educational mandates required by 105 ILCS 5/2-3.104. The report lists all mandates enacted in the 2007 legislative session, along with a description of each and a cost estimate.

If you have questions or comments, please contact Darren Reisberg, General Counsel, at 217/782-8535.

cc: The Honorable Rod R. Blagojevich, Governor
Mark Mahoney, Clerk of the House
Deborah Shipley, Secretary of the Senate
Legislative Research Unit
State Government Report Center

EDUCATIONAL MANDATES

Annual Report -- 2007

Illinois State Board of Education
Rules and Waivers Division
March 2008

Jesse H. Ruiz, Chairman
State Board of Education

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

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 legislative session and effective for the school year 2007-2008.

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

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 legislative session and effective for the school year 2007-2008. In compiling the report, State Board staff examined all amendments to existing statutes and all new statutes from the 2007 legislative session 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.

2007 Laws

Public Act/Summary

Cost

P.A. 95-14

Amending 105 ILCS 5/14-1.02, effective July 16, 2007

Requires that children with disabilities be provided services if “necessary for his or her successful transition and integration into adult life” until the day before his or her 22nd birthday.

C

P.A. 95-17

Adding 410 ILCS 82, effective January 1, 2008

Defines for purposes of the act, schools and educational institutions as “public places” and prohibits smoking in and near (as defined in the act) such public places. Requires that signs indicating that smoking is not allowed be “clearly and conspicuously posted” where smoking is prohibited and that such signs be posted at every entrance to the public place.

C

Exempt from the provisions of the State Mandates Act.

P.A. 95-40

Amending 75 ILCS 70/1, effective January 1, 2008

Requires school library personnel to release information contained in registration and circulation records in situations where there is a court order or when the information is requested by a law enforcement officer without a court order under circumstances prescribed in the law.

B

P.A. 95-58

Amending 225 ILCS 235/10.2, effective August 10, 2007

Requires each school to develop and implement an integrated pest management plan, designate a person to assume responsibility for oversight of plan management practices, and inform the Department of Public Health within a year after the act takes effect that the school has developed and is implementing the plan. If an integrated pest management program is not economically feasible, then the school must so inform the department within a year of the effective date of the act, notify the department of the

C

Repealed as of January 1, 2008; subject to appropriation to the Illinois Department of Public Health.

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.

P.A. 95-58 (continued)

projected costs for both the pest control program and to implement an integrated management program, and require that the person designated to oversee the program attend department-approved training within a year of the effective date of the act. Each school must ensure that parents, guardians and employees are notified once a year that the notification requirements above have been satisfied, and that copies of the notification and program plan are available for public inspection.

P.A. 95-84

Adding 105 ILCS 140, effective August 13, 2007

Requires that within 90 days of the adoption of guidelines by the Illinois Green Government Coordinating Council, all elementary and secondary schools with 50 or more students must establish a “green” cleaning policy to exclusively use and purchase environmentally sensitive cleaning products. The policy must conform to the specifications of the guidelines the council establishes. Also provides that schools may deplete current supplies of cleaning products before using “green” products and that if adopting a “green” policy is not economically feasible, then the school must annually notify the council.

C
Exempt from the provisions of the State Mandates Act.

P.A. 95-128

Amending 740 ILCS 174/5, effective January 1, 2008

Subjects school districts, combinations of school districts, or the governing body of a joint agreement of any type formed by two or more school districts to the provisions of The Whistleblower Act.

B

Amending 740 ILCS 175/2, effective January 1, 2008

Subjects school districts, combinations of school districts, or school districts when they are part of an intergovernmental agreement to the provisions of The Whistleblower Reward and Protection Act.

B

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.

P.A. 95-138

Adding 820 ILCS 55/12, effective January 1, 2008

Prohibits any employer from enrolling in an employment eligibility verification system – including any federal programs – until the federal Social Security Administration and the Department of Homeland Security determine that the systems to be implemented are able to make a determination on 99 percent of the tentative nonconfirmation notices issued to employers within three days. Provides other conditions that employers enrolling in the federal Basic Pilot program must meet to use the federal Employment Eligibility Verification Systems.

B
This mandate is not currently being enforced.

P.A. 95-148

Amending 105 ILCS 5/10-22.22b, 10-23.5, and 11E-110, effective August 14, 2007

Requires school districts to transfer education support personnel and positions under certain circumstances set forth in the law after deactivations, annexations, conversions or formations of new unit or combined districts. Under some circumstances, sets forth procedures to determine employee placement and assistance of regional superintendent of schools when agreements cannot be reached.

C
Exempt from the provisions of the State Mandates Act.

P.A. 95-151

Amending 105 ILCS 5/24-6, effective August 14, 2007

Requires school districts to allow employees to use sick leave for the purposes of birth, adoption or placement for adoption.

C
Exempt from the provisions of the State Mandates Act.

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

P.A. 95-155

Amending 105 ILCS 126/20, effective August 14, 2007

Requires school districts on or before February 15, 2008, to adopt a plan to have a summer breakfast or lunch program (or both) for each school that has 50 percent or more of its students eligible for free or reduced-price school meals and that has a summer school program. Provides that in cases where more than one school qualifies, the food service program must be operated in such a way so as to ensure all eligible students receive services, even if a school open for summer school classes does not have 50 percent or more of its students eligible for free or reduced-price meals. Provides for procedures to opt out of the summer food service program if the district can show that the cost of operating the program will not be covered by reimbursements. If an exemption to the requirement to implement the program is denied (via the regional superintendent of schools and unsuccessful appeal to the State Board), then the school district will implement and operate the school food services program.

C

P.A. 95-168

Adding 105 ILCS 5/27-17, effective August 14, 2007

Requires school districts offering safety education to include in the curriculum instruction about the consequences of alcohol consumption and the operation of a motor vehicle.

B

P.A. 95-176

Adding 625 ILCS 5/12-821, effective January 1, 2008

Requires all school buses to display at the rear of the bus a sign with visible and readable letters and numbers that indicates the telephone number of the owner of the bus (either school district or other entity) to be used to report erratic driving by the school bus driver. School districts owning buses must establish procedures for accepting calls and taking complaints.

C

P.A. 95-198

Amending 105 ILCS 5/27-23.7, effective January 1, 2008

Requires that any school district implementing a unit of instruction on gang resistance education and training must do so in collaboration with state and local law enforcement agencies.

B

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B. The mandate does not impose an additional cost.

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

P.A. 95-223

Amending 105 ILCS 5/2-3.25g, effective January 1, 2008

Prohibits a school district from seeking a waiver or modification from the requirements of daily physical education for more than two years and limits such requests to two, two-year renewals only.

C

P.A. 95-232

Adding 105 ILCS 5/10-20.40 and 34-18.34, effective August 16, 2007

Requires school districts that collect biometric information from students to adopt policies that provide for, in part, written permission from the student’s parent or legal guardian, discontinuance of the use of the information if the student leaves or consent is withdrawn, destruction of the information within 30 days of discontinuance, and the allowable uses of the information within the parameters of the law.

B
Exempt from the provisions of the State Mandates Act.

P.A. 95-241

Amending 105 ILCS 5/10-22.34c, effective August 17, 2007

Sets forth conditions that a school district must follow if it wishes to enter into a third-party contract for non-instructional services that are currently being performed by any employee or bargaining unit member. If the conditions are met, then before entering into the contract a school district must first do a cost comparison, and review and consider bids at a regularly scheduled school board meeting, including holding a public hearing prior to the regularly scheduled school board meeting and providing required notices about the hearing. Contractual requirements are also provided.

B
Exempt from the provisions of the State Mandates Act.

P.A. 95-257

Amending 105 ILCS 5/14-8.02, effective January 1, 2008

Specifies the factors that an IEP team must consider in developing an individualized educational program for a child with a disability on the autism spectrum.

B

P.A. 95-260

Adding 625 ILCS 5/12-816, effective August 17, 2007

Requires school districts owning their own school buses to adopt by January 1, 2008 – or require its school bus contractor to adopt, where transportation is provided under contract – a “post-transportation” inspection plan for each school bus driver to check the bus at the end of the route to be sure that no children are still aboard; this must include walking to the rear of the bus and checking in and under each seat, and activating the interior lights to enhance visibility.

B

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

P.A. 95-299

Adding 105 ILCS 5/27-22.10, effective August 20, 2007

Sets forth the conditions under which a school district may adopt a policy to grant credit towards meeting the state-imposed graduation requirements in situations where a student who is not yet in high school takes a required course at the high school in which he or she will be enrolling; also provides for transfer of such credit and the inclusion of grades in the student's grade point average.

B

P.A. 95-308

Adding 105 ILCS 5/10-20.40 and 34-18.34, effective August 20, 2007

Requires any school district allowing the community to use its facilities to adopt a policy governing the use of those facilities during non-school hours. Prohibits the use of the facilities by community groups if the use would interfere with school functions or the safety of students or school personnel, or would affect the property or liability of the school district.

B

P.A. 95-339

Amending 105 ILCS 5/27-24.2, effective August 21, 2007

Requires school districts to include in the classroom portion of the driver education course instruction on distracted driving as a major traffic safety issue.

B

P.A. 95-349

Amending 105 ILCS 5/27-23.7, effective August 23, 2007

Requires each school district within 180 days after the public act takes effect to create and maintain a policy addressing bullying and to file that policy with the State Board of Education. Also requires school districts to communicate the policy to students and their parents or guardians each year and to update the policy every two years, filing the updated policy with the State Board of Education.

B

Exempt from the provisions of the State Mandates Act.

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P.A. 95-352

Amending 720 ILCS 5/14-3, effective August 23, 2007

Sets forth certain conditions that a school district must meet in order for an electronic recording made in the interior of a school bus (when children are being transported from school and school-sponsored events) to not be considered illegal eavesdropping under the Criminal Code of 1961. Such conditions include adopting a policy authorizing the activities; publishing the policy in student handbooks and other documents; including the district policy as part of the school policies; providing notice of the policy to parents; and posting on the door of and inside the bus a clear notice of the policy. Requires that any recordings made shall be considered to be confidential records and limits their use to school officials or designee or law enforcement personnel for investigations, school disciplinary actions and hearings, prosecutions related to incidents occurring in or near the school bus, and proceedings under the Juvenile Court Act of 1987.

C

P.A. 95-372

Adding 105 ILCS 5/14-6.10, effective August 23, 2007

Set forth procedures required of a school district regarding the transfer of all rights to a student with a disability once he or she reaches age 18, including those addressing notification of parents or guardians, provision of Delegation of Rights form to the student and his or her parents or guardians, and termination of delegation, and establishes conditions for when rights will not be delegated.

C

P.A. 95-396

Adding 105 ILCS 5/10-23.5, effective August 23, 2007

Requires school districts to provide written notice to educational support personnel if the hours of work are reduced; the notice must be presented in the manner as the notice provided for removal or dismissal, except that in situations where the reduction in hours is unforeseen, school districts must give the notice to the employee and mail it to employee at least five days in advance of when the reduced hours take effect.

B

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- B. The mandate does not impose an additional cost.
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P.A. 95-416

Amending 105 ILCS 230/5-40, effective August 24, 2007

Requires any school construction project for which a school district applies for a grant under the School Construction Law on or after July 1, 2007, to receive certification from the U.S. Green Building Council's Leadership in Energy and Environmental Design Green Building Rating System or the Green Building Initiative's Green Globes Green Building Rating System, or meet the green building standards of the Illinois Capital Development Board and its Green Building Advisory Council.

C

P.A. 95-422

Amending 105 ILCS 5/10-22.3f, effective August 24, 2007

Requires school district employee health insurance policies that are renewed after the effective date of the act to cover the cost of human papillomavirus vaccine that is approved for marketing by the federal Food and Drug Administration.

C

P.A. 95-439

Amending 325 ILCS 50/5, effective January 1, 2008

Requires a school district to obtain either a birth certificate or other reliable proof of the child's identity and age (e.g., passport, visa or other governmental documents) for any child enrolling for the first time in a preschool educational program offered by the district.

B

P.A. 95-496

Amending 105 ILCS 5/10-21.4 and 34-8, effective August 28, 2007

Requires each school district superintendent to report to the State Board of Education (previously his or her regional superintendent of education) in January of each year the number of high school students in the district who are enrolled in accredited courses at any community college for which high school credit will be awarded upon successful completion of the course, along with the name and number of the course or courses that each student is taking.

B

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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.

P.A. 95-510

Amending 105 ILCS 5/24A-4 and adding 105 ILCS 5/34-85c, effective August 28, 2007

Requires City of Chicago School District 299 to submit to the State Board of Education a certified copy of an agreement for an alternative teacher evaluation system at schools included in the agreement and to submit after that time any substantive changes made to the agreement.

C

P.A. 95-558

Amending 105 ILCS 5/10-22.39, effective August 30, 2007

Requires school districts at least every two years to provide inservice training sessions for personnel working with pupils and that the training must be conducted by persons with expertise in domestic and sexual violence and the needs of expected and parenting youth; specifies topics of the training and the goals, which are to train school personnel to understand and provide information and referrals, and address issues pertaining to youth who are parents, expectant parents or victims of domestic or sexual violence.

C

P.A. 95-612

Amending 105 ILCS 5/19b-1.4, effective September 11, 2007

Requires school districts to announce in the Illinois Procurement Bulletin any Request for Proposals (RFP) issued for energy conservation measures and to provide a public notice in a newspaper published in the district or vocational center at least 14 days before the request date.

B

Amending 105 ILCS 5/19b-3, effective September 11, 2007

Requires school districts to publish in the next available Illinois Procurement Bulletin the contracts let or awarded for energy conservation measures.

B

P.A. 95-671

Amending 105 ILCS 5/27-8.1, effective January 1, 2008

Requires all public schools to provide notice to parents about the requirement that all students enrolling in kindergarten, or a public school for the first time, after January 1, 2008, have an eye examination and provide proof of receiving such examination before October 15. The notice must comply with rules of the Illinois Department of Public Health.

C

Exempt from the provisions of the State Mandates Act.

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

P.A. 95-680

Amending 105 ILCS 20/1, effective October 17, 2007

Requires each public school classroom to observe a “brief period of silence” at the start of the school day. B

P.A. 95-707

Adding 105 ILCS 5/10-20.40, effective January 11, 2008

Requires a school board to list certain information relative to contracts for more than \$25,000 and any contract entered into with an exclusive bargaining agent on its Internet website and submit to the State Board of Education an annual report on all contracts for more than \$25,000 awarded by the school district during the previous fiscal year (due date and contents of report specified). The report must be made available to the public, including being posted on the district’s website, if any. B

Adding 105 ILCS 5/10-20.41, effective January 11, 2008

Requires a school district that negotiates with its exclusive collective bargaining representative a performance-based teacher compensation plan provide for a base salary and any increases in the base to be based upon, but not limited to, certain conditions set forth in the law. The plan shall be submitted to the State Board of Education not later than 150 days before the plan is to become effective. If the State Board determines that the plan does not conform to the law, then the school board and exclusive bargaining representative must have 30 days after the plan is returned to them to submit a modified plan. B

P.A. 95-707 (continued)

Adding 105 ILCS 5/21-29, effective January 11, 2008

Requires a school district provide in a single payment or in not more than three payments the incentives and bonuses for teachers and school administrators working in school districts designated as “hard to staff”. B

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.