EDUCATIONAL MANDATES

Annual Report -- 1995

Illinois State Board of Education
Policy, Planning and Resource Management
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Michael W. Skarr, Chairperson
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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 and effective for the school year 1995-96.

Joseph A. Spagnolo
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 and effective for the school year 1995-96. In compiling the report, State Board staff examined all amendments to existing statutes and all new statutes for the 1995 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 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:

- impose additional duties of a nature that can be carried out by existing staff and procedures at no appreciable net cost increase, or
- create additional costs but also provide offsetting savings resulting in no aggregate increase in net costs, or
- 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.

1995 Legislation

Public Act/Summary	Cost
P.A. 89-15 Amending 40 ILCS 5/17-129, effective May 30, 1995 For Fiscal Years 2011 through 2045, sets forth the minimum contribution of a local board of education to the teachers' retirement fund to be that amount which is sufficient to bring the total assets of the fund up to 90 percent of the total actuarial liabilities of the fund by the end of FY 2045. For FY 2046 and thereafter, the minimum contribution will be that necessary to maintain the fund at 90 percent of the total actuarial liabilities of the fund.	C *(Chicago #299 only)*
Adding 105 ILCS 5/1D, effective May 30, 1995 Requires that school districts eligible to receive block funding under Article 1D submit reports on the use of the funds in such form and detail as determined by the State Board of Education.	B
Amending 105 ILCS 5/18-8(i)(1)(c), effective May 30, 1995 Beginning with the 1995-96 school year, requires that school districts with 50,000 or more students allocate to attendance centers within their districts a certain amount of funds received under State Chapter 1. Further prohibits those funds from being used for any political or lobbying purposes as defined by school board rule.	B
Amending 105 ILCS 5/24A-5(f), effective May 30, 1995 Requires that staff evaluations issued pursuant to this statute in school districts with populations exceeding 500,000 be issued within 10 days after the conclusion of the respective remediation plan.	C
Amending 105 ILCS 5/34-2.1, effective May 30, 1995 Changes the terms of office and member composition of the Local School Councils in Chicago Public Schools #299.	B

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.

Public Act/Summary	Cost
<u>Amending 105 ILCS 5/34-2.3b, effective May 30, 1995</u>	
Requires members of Local School Councils to attend a three-day training program within six months of taking office. Provides that the school board monitor compliance with that requirement and declare vacant the office of any council member who fails to complete the required training within the time period specified.	C
<u>Adding 105 ILCS 5/34-3.3, effective May 30, 1995</u>	
Specifies the duties of the new Chicago Board of Trustees, including requirements to report to the State Superintendent of Education with respect to its performance, reforms undertaken, effectiveness of said reforms, and the performance of students, staff and local school councils.	B
<u>Adding 105 ILCS 5/34-3.4, effective May 30, 1995</u>	
Establishes and sets forth duties of the Chicago Schools Academic Accountability Council to develop and implement a comprehensive system of review, evaluation, and analysis of school performance within the Chicago public schools.	C
<u>Amending 105 ILCS 5/34-8.1a, effective May 30, 1995</u>	
Requires that any agreement entered into with a bargaining unit other than a teachers' bargaining unit must contain a waiver procedure, and that any waiver approved shall be final upon concurrence of the required percentage of personnel and cannot be subject to approval or rejection by a bargaining unit or committee of the bargaining unit.	B
<u>Amending 105 ILCS 5/34-8.3, effective May 30, 1995</u>	
Requires the Chicago Board of Trustees to develop criteria governing the determination of when a school is in educational crisis.	C

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.

Public Act/Summary	Cost
Adding 105 ILCS 5/34-8.4, effective May 30, 1995	
Specifies procedures the Chicago Board of Trustees must take before a school is subject to intervention; requires that the board develop an implementation plan and conduct an evaluation of employees at the subject school; and makes other requirements regarding the duties of the chief educational officer and general superintendent. Also specifies that 5 percent of Chapter 1 funds distributed to a school under intervention shall be used for employee incentives.	C
Adding 105 ILCS 5/34-13.1, effective May 30, 1995	
Specifies duties and powers of the inspector general and transfers the position to the jurisdiction of the Chicago Board of Trustees until 1999, when it returns to the jurisdiction of the School Finance Authority. Contains an automatic repeal date.	C
Amending 105 ILCS 5/34-18, effective May 30, 1995	
Requires the Chicago Board of Trustees to promulgate rules to establish procedures governing the layoff or reduction in force of employees and the recall of such employees. Also requires the board to develop a policy to prevent nepotism in the hiring of personnel or selection of contractors.	C
Amending 105 ILCS 5/34-42, effective May 30, 1995	
Changes the end of the 1996 fiscal year to June 30, 1996, and changes the beginning of the fiscal year to July 1 for each year thereafter.	B
Adding 105 ILCS 5/34-53A, effective May 30, 1995	
Sets certain purposes and limits for tax levies beginning in the fiscal year that starts in 1999.	B

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.

Public Act/Summary	Cost
Amending 105 ILCS 5/34-85, effective May 30, 1995	
Changes requirements for removal of a teacher or principal for cause, including notification to affected employee, presentation to the board, selection of a hearing officer, and final action by the board.	C
Adding 115 ILCS 5/4.5, effective May 30, 1995	
Prohibits certain subjects from being collectively bargained in the Chicago school district, including those dealing with charter schools; third party contracts; layoffs or reductions in force; class size, staffing, assignments, and schedules; academic calendar, hours and places of instruction; pupil assessment policies; and use and staffing of experimental or pilot programs or use of technology to deliver educational programs.	B
P.A. 89-106 Amending 750 ILCS 60/222(f), effective July 1, 1995	
Prohibits public schools or their employees from allowing access to a protected child's record or to release information in those records to anyone against which an order of protection has been issued following receipt of a certified copy of that order of protection. Requires the school to file the copy of the order of protection in the records of the child who is a protected person under the order.	B
P.A. 89-146 Amending 105 ILCS 5/27-23.4, effective July 14, 1995	
Requires that school districts receiving funding under the federal Safe and Drug-Free Schools and Communities Act of 1994 meet the requirements and implement the provisions of 105 ILCS 5/27-23.4.	B
P.A. 89-151 Adding 105 ILCS 5/29-6.3, effective January 1, 1996	
Sets forth conditions upon which the school board of a school district that operates its own bus service is required to solicit bids for bus transportation from private contractors.	C

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.

Public Act/Summary	Cost
P.A. 89-181 Amending 105 ILCS 5/10-20.5b, effective July 19, 1995 Requires that school boards prohibit any school personnel, student or other person from using tobacco on school property and prohibits boards from issuing exceptions to or exemptions from the prohibition; further defines the definition of "school purposes."	B
P.A. 89-191 Amending 105 ILCS 5/14-8.05, effective July 21, 1995 Requires school boards to have behavioral intervention policies and procedures for use with students with disabilities by January 1, 1996; stipulates how those policies and procedures must be developed; and specifies certain issues the policies and procedures must address.	C
P.A. 89-369 Amending 105 ILCS 5/34-2.1, effective August 18, 1995 Requires the Chicago Board of Education to determine the manner in which candidates for local school council must disclose whether they have been convicted of any of the offenses specified in Section 34-18.5(c) of the School Code.	C
P.A. 89-371 Amending 105 ILCS 5/10-22.6, effective January 1, 1996 Requires school districts to expel any student who is determined to have brought a weapon, as defined by Section 921 of Title 18, U.S. Code, to school for a period not less than one year.	B

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.

Public Act/Summary	Cost
P.A. 89-383 Adding 105 ILCS 5/Art. 13A, effective August 18, 1995 Adds the Safe Schools law. Specifies how alternative schools can be created through regional offices of education. Requires school districts to provide regional superintendents with their discipline policies (13A-3(c)); adopt the policies and procedures for identification and placement of students (13A-3(c)); and meet with personnel from the alternative school following a student's transfer to develop an alternative education plan for the student (13A-4). The principal of an alternative school is required to implement a multi-disciplinary curriculum designed to meet individual needs and to be "meaningful and worthwhile" (13A-5(a)). School boards are required to grant for up to five years a leave of absence to employees who accept employment with an alternative school (13A-7). Cost of transporting students must be paid by the school of origin (13A-9). In the case of the Chicago school district, its board must develop a plan for establishing alternative schools in Chicago and provide that plan to the State Board of Education and General Assembly no later than February, 15, 1997 (13A-11(b)).	C
P.A. 89-397 Adding 105 ILCS 5/19b-10, effective August 20, 1995 Requires that school districts funding energy savings contracts from bonded indebtedness funds, must, by school board resolution, annually transfer an amount equal to the guaranteed energy savings from the operations and maintenance fund or the educational fund or both, to the fire prevention and safety fund or to the bond and interest fund from which the retirement of the bonded indebtedness is to be paid. Sets other requirements for notifying the county clerk.	B
P.A. 89-425 Amending 105 ILCS 5/14-8.02(b), effective June 1, 1996 Requires that individualized education programs for students who may be eligible to participate in a home-based support system upon becoming adults include plans for determining the student's eligibility for the program, enrolling the student in the program, and developing a plan for the student's most effective use of the home-based services after he or she becomes an adult. The plans must specify certain actions and who will conduct those (individuals, agencies or officials).	C

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.

Public Act/Summary	Cost
P.A. 89-428 Amending 105 ILCS 5/10-21.9, 21-23b, 34-18.4, and 34-84b, effective June 1, 1996 Adds predatory criminal sexual assault of a child to the list of violations for which a criminal background check must be done on an applicant and prohibits a school district from knowingly employing a person convicted for committing or attempting to commit this offense and allows for revocation of the certificate of any person so convicted.	B

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.

ILLINOIS STATE BOARD OF EDUCATION

DATE: February 2, 1996

MEMORANDUM

TO: Brenda Heffner

FROM: Shelley Helton

SUBJECT: Proposed Rulemaking: Regional Oversight Boards and Intermediate Services (Part 525)

P.A. 89-335, effective August 17, 1995, has changed the responsibility of the Oversight Boards for each of the Regional Offices of Education to advisory only (Sections 3A-16, 3A-17 of the School Code) and has shifted responsibility for the delivery of services and programs under Section 2-3.62 of the School Code to the regional superintendent of schools, subject to State Board rules.

In light of these changes, the current rules pertaining to the Oversight Boards will need to be amended. In particular, the State Board no longer has authority to set procedures for the selection of board members (23 Ill. Adm. Code 525.30). In addition, specific duties for the Oversight Boards have been eliminated from the law and will necessitate changes in Section 525.40. Under the current law, the boards are only required to meet six times a year to advise the regional superintendent about the "planning and delivery" of programs and services under Section 2-3.62 of the School Code and "other programs under control of" the regional superintendent.

After informal discussions with Legal and a review of the legislation, I have made some draft amendments in the existing rules. As you can see, I am proposing that Sections 525.20 (Purpose), 525.30 (Membership and Selection) and 525.120 (Regional Improvement Plan) be repealed. Other changes made include:

Chicago School District #299: In October the State Superintendent approved a waiver request from the district that transferred control of the Intermediate Service Center (ISC) in the city of Chicago to the district. After discussions with Legal, it was recommended that the rules reflect the shift in authority by eliminating the Chicago ISC and placing its responsibilities with Chicago School District #299. You will see throughout the draft amendments that now reference the district instead of the ISC.

The State Board at this time may also want to make a parallel change by also eliminating the ISCs in suburban Cook County. You may recall that P.A. 88-89 eliminated the 14 ESCs in downstate Illinois, transferring the responsibility for the programs these entities administered to the Regional Offices of Education Oversight Boards. At the same time, however, the law created an Oversight Board with responsibilities for these services in suburban Cook County, creating a conflict between the suburban Cook County ESCs and the newly established board.

Therefore, if we choose to eliminate the ISC in Chicago, we might also want to examine whether we want to retain the dual governance structure (ISCs and Regional Office of Education) in suburban Cook County. At the time Part 525 was originally drafted, however, the decision was made to retain the remaining ESCs, particularly to ensure more effective program administration and delivery in the suburbs.

Regional Improvement Plan: The requirements for the Regional Improvement Plan (Section 525.120) are similar to the elements all applications for funding must contain (Section 525.130). The Oversight Board previously had responsibility for the development of the plan as part of the requirement that it "advise the regional superintendent on the needs of the region." That is no longer a duty of the advisory boards. Therefore, it is proposed that needed portions of Section 525.120 be added to the application requirements of Section 525.130 and duplicates eliminated.

We hope to have the rules ready for Board consideration at its March or April meeting. After your review, the rules would still need to be reviewed by Legal and Governmental Relations. I am available to meet with you to discuss the proposed changes at your convenience. Thank you.