

February 25, 2011

TO: The Honorable John J. Cullerton, Senate President
The Honorable Christine Radogno, 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: 2010 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 2010 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 Pat Quinn, Governor
Mark Mahoney, Clerk of the House
Jillayne Rock, Secretary of the Senate
Legislative Research Unit
State Government Report Center

EDUCATIONAL MANDATES

Annual Report -- 2010

**Illinois State Board of Education
Rules and Waivers Division
March 2011**

**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 2010 legislative session and effective for the school year 2010-2011.

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 2010 legislative session and effective for the 2010-2011 school year. In compiling the report, State Board staff examined all amendments to existing statutes and all new statutes from the 2010 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.

2010 Laws

Public Act/Summary

Cost

P.A. 96-951

Amending 105 ILCS 5/10-22.39 and 34-18.7, effective June 28, 2010

Requires school districts to conduct inservice training programs for school social workers who work with pupils in grades 7 through 12 about the warning signs of suicidal behavior. In City of Chicago School District 299, the instruction may be provided as part of other professional development activities.

B

P.A. 96-952

Amending 105 ILCS 5/27-23.7, effective June 28, 2010

Prohibits bullying at school-sponsored events and activities, while in school or on school property, or through the use of school computer or similar electronic equipment, and indicates that school districts should educate their students, parents and personnel about bullying.

B

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

P.A. 96-953

Adding 105 ILCS 5/70, effective June 28, 2010

Creates the Educational Opportunity for Military Children Act and makes a number of requirements related to a school district's charging of tuition and acceptance of unofficial transcripts.

C

P.A. 96-998

Amending 105 ILCS 5/10-22.6, effective July 2, 2010

Requires school districts to provide to their respective board of education a summary of the notice of suspension or expulsion that includes the reason for the action taken.

B

P.A. 96-1066

Amending 625 ILCS 5/12-813.1, effective July 16, 2010

Prohibits the use of a school bus' cellular radio telecommunication device by the driver of the bus for any purpose not prescribed by law, including for personal use.

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. 96-1082

Amending 105 ILCS 5/27-9.1, effective July 16, 2010

Requires any school that provides sex education to include in course material and instruction information about the dangers of the consumption of alcohol and drugs during pregnancy.

B

P.A. 96-1170

Amending 105 ILCS 5/14C-12, effective January 1, 2011

Requires school districts that receive funding for transitional bilingual education or transitional programs of instruction under Section 14C of the School Code to expend at least 60 percent of the funds received on instructional costs.

B

P.A. 96-1197

Amending 105 ILCS 5/19b-5, effective July 22, 2010

Requires school districts to include in any solicitation for energy conservation measures specified information contained in an energy audit, if that audit was conducted by an energy services contractor within three years of the solicitation. The solicitation also must disclose whether an energy contractor participated in the development of bid specifications.

B

P.A. 96-1238

Adding 5 ILCS 490/155, effective January 1, 2011

Requires school districts to observe during the first full week of January “Emancipation Proclamation Week” for the purpose of holding appropriate educational and celebratory events and observances.

B

P.A. 96-1412

Amending 105 ILCS 5/34-2.1, effective January 1, 2011

Requires City of Chicago School District 299 to include on each of its school councils an employee who is not a teacher and who performs a majority of his or her duties at the attendance center of the respective school council.

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. 96-1423

Amending 105 ILCS 5/3.13a, effective August 3, 2010

Requires that a school district into which a student transfers must send notification to the school district from which the student has withdrawn of the student's enrollment by July 1 following the school year of withdrawal or the student must be counted as a dropout in the school district he or she left.

B

P.A. 96-1425

Adding 105 ILCS 5/34-21.8, effective January 1, 2011

Requires City of Chicago School District 299 to establish a hotline in consultation with the Chicago Police Department for the purpose of receiving anonymous telephone calls with information that may prevent violence.

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

P.A. 96-1473

Amending 5 ILCS 120/2.06, effective January 1, 2011

Requires school districts to approve minutes of any open meeting within 30 days after that meeting or at the district's next regular meeting, whichever is later. Changes the length of time that the minutes are available for inspection after approval from seven days to 10 days.

B

P.A. 96-1474

Amending 105 ILCS 5/17-2.11, effective August 23, 2010

Sets forth notice requirements for any school district that wishes to transfer surplus life-safety taxes and interest earnings to the Operations and Maintenance Fund for building repair fund.

B

P.A. 96-1485

Adding 105 ILCS 145, effective December 1, 2010

Establishes requirements relative to students with diabetes, including addressing elements of a required diabetes care plan, requiring certain personnel to include in the plan a uniform record of glucometer readings and insulin administrations, and procedures about consultation regarding insulin dosages. Requires the principal to "facilitate" compliance with the diabetes care plan, and sets forth requirements for training of school personnel relative to the care of students with diabetes.

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

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.