



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4591

by Rep. Linda Chapa LaVia

SYNOPSIS AS INTRODUCED:

5 ILCS 100/1-100 new	
5 ILCS 100/5-45	from Ch. 127, par. 1005-45
105 ILCS 5/2-3.64	from Ch. 122, par. 2-3.64
105 ILCS 5/2-3.80	from Ch. 122, par. 2-3.80
105 ILCS 5/14-11.01	from Ch. 122, par. 14-11.01
105 ILCS 5/18-17	from Ch. 122, par. 18-17
30 ILCS 608/Act rep.	

Creates the Education Emergency Budget Implementation Act of 2009. Amends the Illinois Administrative Procedure Act to authorize emergency rulemaking that is not subject to complete JCAR oversight and to suspend rules while duties under a statute are suspended. Amends the School Code. Provides that provisions concerning the state goals and assessment of students are subject to appropriation. Provides that the administration of a program concerning agriculture education shall be subject to appropriation. Provides that the State Board of Education shall maintain or contract, subject to appropriation, for an educational materials coordinating unit for children with disabilities to provide specified services. Provides that the loan of specified secular textbooks by the State Board of Education shall be subject to appropriation. Repeals the State Facilities Closure Act. Contains a severability clause. Effective immediately.

LRB096 13380 MJR 28098 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT in relation to budget implementation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Education Emergency Budget Implementation Act of 2009.

6 Section 5. Legislative intent. The General Assembly hereby
7 finds and declares that the State is confronted with an
8 unprecedented fiscal crisis. This Act is to be liberally
9 construed and interpreted in a manner that allows the State to
10 address the fiscal crisis for the fiscal year ending June 30,
11 2010.

12 Section 10. The Illinois Administrative Procedure Act is
13 amended by changing Section 5-45 and by adding Section 1-100 as
14 follows:

15 (5 ILCS 100/1-100 new)

16 Sec. 1-100. Suspension of existing rules. During the period
17 July 1, 2009 through June 30, 2010, a State agency shall not
18 enforce rules that implement or are authorized by a statute to
19 the extent that the duties under that statute have been
20 suspended by law by the General Assembly or by Executive Order
21 of the Governor during that same time period. If the suspension

1 of the duties under a statute is terminated or revoked during
2 the period July 1, 2009 through June 30, 2010, the State agency
3 shall enforce the rules upon the termination or revocation of
4 the suspension.

5 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

6 Sec. 5-45. Emergency rulemaking.

7 (a) "Emergency" means the existence of any situation that
8 any agency finds reasonably constitutes a threat to the public
9 interest, safety, or welfare.

10 (b) If any agency finds that an emergency exists that
11 requires adoption of a rule upon fewer days than is required by
12 Section 5-40 and states in writing its reasons for that
13 finding, the agency may adopt an emergency rule without prior
14 notice or hearing upon filing a notice of emergency rulemaking
15 with the Secretary of State under Section 5-70. The notice
16 shall include the text of the emergency rule and shall be
17 published in the Illinois Register. Consent orders or other
18 court orders adopting settlements negotiated by an agency may
19 be adopted under this Section. Subject to applicable
20 constitutional or statutory provisions, an emergency rule
21 becomes effective immediately upon filing under Section 5-65 or
22 at a stated date less than 10 days thereafter. The agency's
23 finding and a statement of the specific reasons for the finding
24 shall be filed with the rule. The agency shall take reasonable
25 and appropriate measures to make emergency rules known to the

1 persons who may be affected by them.

2 (c) An emergency rule may be effective for a period of not
3 longer than 150 days, but the agency's authority to adopt an
4 identical rule under Section 5-40 is not precluded. No
5 emergency rule may be adopted more than once in any 24 month
6 period, except that this limitation on the number of emergency
7 rules that may be adopted in a 24 month period does not apply
8 to (i) emergency rules that make additions to and deletions
9 from the Drug Manual under Section 5-5.16 of the Illinois
10 Public Aid Code or the generic drug formulary under Section
11 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)
12 emergency rules adopted by the Pollution Control Board before
13 July 1, 1997 to implement portions of the Livestock Management
14 Facilities Act, or (iii) emergency rules adopted by the
15 Illinois Department of Public Health under subsections (a)
16 through (i) of Section 2 of the Department of Public Health Act
17 when necessary to protect the public's health. Two or more
18 emergency rules having substantially the same purpose and
19 effect shall be deemed to be a single rule for purposes of this
20 Section.

21 (d) In order to provide for the expeditious and timely
22 implementation of the State's fiscal year 1999 budget,
23 emergency rules to implement any provision of Public Act 90-587
24 or 90-588 or any other budget initiative for fiscal year 1999
25 may be adopted in accordance with this Section by the agency
26 charged with administering that provision or initiative,

1 except that the 24-month limitation on the adoption of
2 emergency rules and the provisions of Sections 5-115 and 5-125
3 do not apply to rules adopted under this subsection (d). The
4 adoption of emergency rules authorized by this subsection (d)
5 shall be deemed to be necessary for the public interest,
6 safety, and welfare.

7 (e) In order to provide for the expeditious and timely
8 implementation of the State's fiscal year 2000 budget,
9 emergency rules to implement any provision of this amendatory
10 Act of the 91st General Assembly or any other budget initiative
11 for fiscal year 2000 may be adopted in accordance with this
12 Section by the agency charged with administering that provision
13 or initiative, except that the 24-month limitation on the
14 adoption of emergency rules and the provisions of Sections
15 5-115 and 5-125 do not apply to rules adopted under this
16 subsection (e). The adoption of emergency rules authorized by
17 this subsection (e) shall be deemed to be necessary for the
18 public interest, safety, and welfare.

19 (f) In order to provide for the expeditious and timely
20 implementation of the State's fiscal year 2001 budget,
21 emergency rules to implement any provision of this amendatory
22 Act of the 91st General Assembly or any other budget initiative
23 for fiscal year 2001 may be adopted in accordance with this
24 Section by the agency charged with administering that provision
25 or initiative, except that the 24-month limitation on the
26 adoption of emergency rules and the provisions of Sections

1 5-115 and 5-125 do not apply to rules adopted under this
2 subsection (f). The adoption of emergency rules authorized by
3 this subsection (f) shall be deemed to be necessary for the
4 public interest, safety, and welfare.

5 (g) In order to provide for the expeditious and timely
6 implementation of the State's fiscal year 2002 budget,
7 emergency rules to implement any provision of this amendatory
8 Act of the 92nd General Assembly or any other budget initiative
9 for fiscal year 2002 may be adopted in accordance with this
10 Section by the agency charged with administering that provision
11 or initiative, except that the 24-month limitation on the
12 adoption of emergency rules and the provisions of Sections
13 5-115 and 5-125 do not apply to rules adopted under this
14 subsection (g). The adoption of emergency rules authorized by
15 this subsection (g) shall be deemed to be necessary for the
16 public interest, safety, and welfare.

17 (h) In order to provide for the expeditious and timely
18 implementation of the State's fiscal year 2003 budget,
19 emergency rules to implement any provision of this amendatory
20 Act of the 92nd General Assembly or any other budget initiative
21 for fiscal year 2003 may be adopted in accordance with this
22 Section by the agency charged with administering that provision
23 or initiative, except that the 24-month limitation on the
24 adoption of emergency rules and the provisions of Sections
25 5-115 and 5-125 do not apply to rules adopted under this
26 subsection (h). The adoption of emergency rules authorized by

1 this subsection (h) shall be deemed to be necessary for the
2 public interest, safety, and welfare.

3 (i) In order to provide for the expeditious and timely
4 implementation of the State's fiscal year 2004 budget,
5 emergency rules to implement any provision of this amendatory
6 Act of the 93rd General Assembly or any other budget initiative
7 for fiscal year 2004 may be adopted in accordance with this
8 Section by the agency charged with administering that provision
9 or initiative, except that the 24-month limitation on the
10 adoption of emergency rules and the provisions of Sections
11 5-115 and 5-125 do not apply to rules adopted under this
12 subsection (i). The adoption of emergency rules authorized by
13 this subsection (i) shall be deemed to be necessary for the
14 public interest, safety, and welfare.

15 (j) In order to provide for the expeditious and timely
16 implementation of the provisions of the State's fiscal year
17 2005 budget as provided under the Fiscal Year 2005 Budget
18 Implementation (Human Services) Act, emergency rules to
19 implement any provision of the Fiscal Year 2005 Budget
20 Implementation (Human Services) Act may be adopted in
21 accordance with this Section by the agency charged with
22 administering that provision, except that the 24-month
23 limitation on the adoption of emergency rules and the
24 provisions of Sections 5-115 and 5-125 do not apply to rules
25 adopted under this subsection (j). The Department of Public Aid
26 may also adopt rules under this subsection (j) necessary to

1 administer the Illinois Public Aid Code and the Children's
2 Health Insurance Program Act. The adoption of emergency rules
3 authorized by this subsection (j) shall be deemed to be
4 necessary for the public interest, safety, and welfare.

5 (k) In order to provide for the expeditious and timely
6 implementation of the provisions of the State's fiscal year
7 2006 budget, emergency rules to implement any provision of this
8 amendatory Act of the 94th General Assembly or any other budget
9 initiative for fiscal year 2006 may be adopted in accordance
10 with this Section by the agency charged with administering that
11 provision or initiative, except that the 24-month limitation on
12 the adoption of emergency rules and the provisions of Sections
13 5-115 and 5-125 do not apply to rules adopted under this
14 subsection (k). The Department of Healthcare and Family
15 Services may also adopt rules under this subsection (k)
16 necessary to administer the Illinois Public Aid Code, the
17 Senior Citizens and Disabled Persons Property Tax Relief and
18 Pharmaceutical Assistance Act, the Senior Citizens and
19 Disabled Persons Prescription Drug Discount Program Act (now
20 the Illinois Prescription Drug Discount Program Act), and the
21 Children's Health Insurance Program Act. The adoption of
22 emergency rules authorized by this subsection (k) shall be
23 deemed to be necessary for the public interest, safety, and
24 welfare.

25 (l) In order to provide for the expeditious and timely
26 implementation of the provisions of the State's fiscal year

1 2007 budget, the Department of Healthcare and Family Services
2 may adopt emergency rules during fiscal year 2007, including
3 rules effective July 1, 2007, in accordance with this
4 subsection to the extent necessary to administer the
5 Department's responsibilities with respect to amendments to
6 the State plans and Illinois waivers approved by the federal
7 Centers for Medicare and Medicaid Services necessitated by the
8 requirements of Title XIX and Title XXI of the federal Social
9 Security Act. The adoption of emergency rules authorized by
10 this subsection (l) shall be deemed to be necessary for the
11 public interest, safety, and welfare.

12 (m) In order to provide for the expeditious and timely
13 implementation of the provisions of the State's fiscal year
14 2008 budget, the Department of Healthcare and Family Services
15 may adopt emergency rules during fiscal year 2008, including
16 rules effective July 1, 2008, in accordance with this
17 subsection to the extent necessary to administer the
18 Department's responsibilities with respect to amendments to
19 the State plans and Illinois waivers approved by the federal
20 Centers for Medicare and Medicaid Services necessitated by the
21 requirements of Title XIX and Title XXI of the federal Social
22 Security Act. The adoption of emergency rules authorized by
23 this subsection (m) shall be deemed to be necessary for the
24 public interest, safety, and welfare.

25 (n) In order to provide for the expeditious and timely
26 implementation of the State's fiscal year 2010 budget,

1 emergency rules to implement any provision of this amendatory
2 Act of the 96th General Assembly or any other budget initiative
3 for fiscal year 2010 may be adopted in accordance with this
4 Section by the agency charged with administering that provision
5 or initiative, except that the 24-month limitation on the
6 adoption of emergency rules and the provisions of Sections
7 5-115 and 5-125 do not apply to rules adopted under this
8 subsection (n). The adoption of emergency rules authorized by
9 this subsection (n) shall be deemed to be necessary for the
10 public interest, safety, and welfare.

11 (Source: P.A. 94-48, eff. 7-1-05; 94-838, eff. 6-6-06; 95-12,
12 eff. 7-2-07; 95-331, eff. 8-21-07.)

13 Section 15. The School Code is amended by changing Sections
14 2-3.64, 2-3.80, 14-11.01, and 18-17 as follows:

15 (105 ILCS 5/2-3.64) (from Ch. 122, par. 2-3.64)

16 Sec. 2-3.64. State goals and assessment.

17 (a) Beginning in the 1998-1999 school year, the State Board
18 of Education shall, subject to appropriation, establish
19 standards and periodically, in collaboration with local school
20 districts, conduct studies of student performance in the
21 learning areas of fine arts and physical development/health.

22 Beginning with the 1998-1999 school year until the
23 2004-2005 school year, the State Board of Education shall
24 annually test: (i) all pupils enrolled in the 3rd, 5th, and 8th

1 grades in English language arts (reading, writing, and English
2 grammar) and mathematics; and (ii) all pupils enrolled in the
3 4th and 7th grades in the biological and physical sciences and
4 the social sciences (history, geography, civics, economics,
5 and government). Unless the testing required to be implemented
6 no later than the 2005-2006 school year under this subsection
7 (a) is implemented for the 2004-2005 school year, for the
8 2004-2005 school year, the State Board of Education shall test:
9 (i) all pupils enrolled in the 3rd, 5th, and 8th grades in
10 English language arts (reading and English grammar) and
11 mathematics and (ii) all pupils enrolled in the 4th and 7th
12 grades in the biological and physical sciences. The maximum
13 time allowed for all actual testing required under this
14 paragraph shall not exceed 25 hours, as allocated among the
15 required tests by the State Board of Education, across all
16 grades tested.

17 Beginning no later than the 2005-2006 school year, the
18 State Board of Education shall, subject to appropriation,
19 annually test: (i) all pupils enrolled in the 3rd, 4th, 5th,
20 6th, 7th, and 8th grades in reading and mathematics and (ii)
21 all pupils enrolled in the 4th and 7th grades in the biological
22 and physical sciences. In addition, the State Board of
23 Education shall, subject to appropriation, test (1) all pupils
24 enrolled in the 5th and 8th grades in writing during the
25 2006-2007 school year; (2) all pupils enrolled in the 5th, 6th,
26 and 8th grades in writing during the 2007-2008 school year; and

1 (3) all pupils enrolled in the 3rd, 5th, 6th, and 8th grades in
2 writing during the 2008-2009 school year and each school year
3 thereafter. After the addition of grades and change in subjects
4 as delineated in this paragraph and including whatever other
5 tests that may be approved from time to time no later than the
6 2005-2006 school year, the maximum time allowed for all State
7 testing in grades 3 through 8 shall not exceed 38 hours across
8 those grades.

9 Beginning with the 2004-2005 school year, the State Board
10 of Education shall not test pupils under this subsection (a) in
11 physical development and health, fine arts, and the social
12 sciences (history, geography, civics, economics, and
13 government). The State Board of Education shall not test pupils
14 under this subsection (a) in writing during the 2005-2006
15 school year.

16 The State Board of Education shall, subject to
17 appropriation, establish the academic standards that are to be
18 applicable to pupils who are subject to State tests under this
19 Section beginning with the 1998-1999 school year. However, the
20 State Board of Education shall not establish any such standards
21 in final form without first providing opportunities for public
22 participation and local input in the development of the final
23 academic standards. Those opportunities shall include a
24 well-publicized period of public comment, public hearings
25 throughout the State, and opportunities to file written
26 comments. Beginning with the 1998-99 school year and

1 thereafter, the State tests will identify pupils in the 3rd
2 grade or 5th grade who do not meet the State standards.

3 If, by performance on the State tests or local assessments
4 or by teacher judgment, a student's performance is determined
5 to be 2 or more grades below current placement, the student
6 shall be provided a remediation program developed by the
7 district in consultation with a parent or guardian. Such
8 remediation programs may include, but shall not be limited to,
9 increased or concentrated instructional time, a remedial
10 summer school program of not less than 90 hours, improved
11 instructional approaches, tutorial sessions, retention in
12 grade, and modifications to instructional materials. Each
13 pupil for whom a remediation program is developed under this
14 subsection shall be required to enroll in and attend whatever
15 program the district determines is appropriate for the pupil.
16 Districts may combine students in remediation programs where
17 appropriate and may cooperate with other districts in the
18 design and delivery of those programs. The parent or guardian
19 of a student required to attend a remediation program under
20 this Section shall be given written notice of that requirement
21 by the school district a reasonable time prior to commencement
22 of the remediation program that the student is to attend. The
23 State shall, subject to appropriation, be responsible for
24 providing school districts with the new and additional funding,
25 under Section 2-3.51.5 or by other or additional means, that is
26 required to enable the districts to operate remediation

1 programs for the pupils who are required to enroll in and
2 attend those programs under this Section. Every individualized
3 educational program as described in Article 14 shall identify
4 if the State test or components thereof are appropriate for
5 that student. The State Board of Education shall, subject to
6 appropriation, develop rules and regulations governing the
7 administration of alternative tests prescribed within each
8 student's individualized educational program which are
9 appropriate to the disability of each student.

10 All pupils who are in a State approved transitional
11 bilingual education program or transitional program of
12 instruction shall participate in the State tests. The time
13 allotted to take the State tests, however, may be extended as
14 determined by the State Board of Education by rule. Any student
15 who has been enrolled in a State approved bilingual education
16 program less than 3 cumulative academic years may take an
17 accommodated Limited English Proficient student academic
18 content assessment, as determined by the State Board of
19 Education, if the student's lack of English as determined by an
20 English language proficiency test would keep the student from
21 understanding the regular State test. If the school district
22 determines, on a case-by-case individual basis, that a Limited
23 English Proficient student academic content assessment would
24 likely yield more accurate and reliable information on what the
25 student knows and can do, the school district may make a
26 determination to assess the student using a Limited English

1 Proficient student academic content assessment for a period
2 that does not exceed 2 additional consecutive years, provided
3 that the student has not yet reached a level of English
4 language proficiency sufficient to yield valid and reliable
5 information on what the student knows and can do on the regular
6 State test.

7 Reasonable accommodations as prescribed by the State Board
8 of Education shall be provided for individual students in the
9 testing procedure. All test procedures prescribed by the State
10 Board of Education shall require: (i) that each test used for
11 State and local student testing under this Section identify by
12 name the pupil taking the test; (ii) that the name of the pupil
13 taking the test be placed on the test at the time the test is
14 taken; (iii) that the results or scores of each test taken
15 under this Section by a pupil of the school district be
16 reported to that district and identify by name the pupil who
17 received the reported results or scores; and (iv) that the
18 results or scores of each test taken under this Section be made
19 available to the parents of the pupil. In addition, in each
20 school year the highest scores attained by a student on the
21 Prairie State Achievement Examination administered under
22 subsection (c) of this Section and any Prairie State
23 Achievement Awards received by the student shall become part of
24 the student's permanent record and shall be entered on the
25 student's transcript pursuant to regulations that the State
26 Board of Education shall promulgate for that purpose in

1 accordance with Section 3 and subsection (e) of Section 2 of
2 the Illinois School Student Records Act. Beginning with the
3 1998-1999 school year and in every school year thereafter,
4 scores received by students on the State assessment tests
5 administered in grades 3 through 8 shall be placed into
6 students' temporary records.

7 The State Board of Education shall establish a period of
8 time, to be referred to as the State test window, in each
9 school year for which State testing shall occur to meet the
10 objectives of this Section. However, if the schools of a
11 district are closed and classes are not scheduled during any
12 week that is established by the State Board of Education as the
13 State test window, the school district may (at the discretion
14 of the State Board of Education) move its State test window one
15 week earlier or one week later than the established State test
16 window, so long as the school district gives the State Board of
17 Education written notice of its intention to deviate from the
18 established schedule by December 1 of the school year in which
19 falls the State test window established by the State Board of
20 Education for the testing.

21 (a-5) All tests administered pursuant to this Section shall
22 be academically based. For the purposes of this Section
23 "academically based tests" shall mean tests consisting of
24 questions and answers that are measurable and quantifiable to
25 measure the knowledge, skill, and ability of students in the
26 subject matters covered by tests. The scoring of academically

1 based tests shall be reliable, valid, unbiased and shall meet
2 the guidelines for test development and use prescribed by the
3 American Psychological Association, the National Council of
4 Measurement and Evaluation, and the American Educational
5 Research Association. Academically based tests shall not
6 include assessments or evaluations of attitudes, values, or
7 beliefs, or testing of personality, self-esteem, or
8 self-concept. Nothing in this amendatory Act is intended, nor
9 shall it be construed, to nullify, supersede, or contradict the
10 legislative intent on academic testing expressed during the
11 passage of HB 1005/P.A. 90-296. Nothing in this Section is
12 intended, nor shall it be construed, to nullify, supersede, or
13 contradict the legislative intent on academic testing
14 expressed in the preamble of this amendatory Act of the 93rd
15 General Assembly.

16 The State Board of Education shall, subject to
17 appropriation, monitor the use of short answer questions in the
18 math and reading assessments or in other assessments in order
19 to demonstrate that the use of short answer questions results
20 in a statistically significant improvement in student
21 achievement as measured on the State assessments for math and
22 reading or on other State assessments and is justifiable in
23 terms of cost and student performance.

24 (b) It shall be the policy of the State to encourage school
25 districts to continuously test pupil proficiency in the
26 fundamental learning areas in order to: (i) provide timely

1 information on individual students' performance relative to
2 State standards that is adequate to guide instructional
3 strategies; (ii) improve future instruction; and (iii)
4 complement the information provided by the State testing system
5 described in this Section. To assist school districts in
6 testing pupil proficiency in reading in the primary grades, the
7 State Board shall, subject to appropriation, make optional
8 reading inventories for diagnostic purposes available to each
9 school district that requests such assistance. Districts that
10 administer the reading inventories may develop remediation
11 programs for students who perform in the bottom half of the
12 student population. Those remediation programs may be funded by
13 moneys provided under the School Safety and Educational
14 Improvement Block Grant Program established under Section
15 2-3.51.5.

16 (c) Beginning with the 2000-2001 school year, each school
17 district that operates a high school program for students in
18 grades 9 through 12 shall annually administer the Prairie State
19 Achievement Examination established under this subsection to
20 its students as set forth below. The Prairie State Achievement
21 Examination shall, subject to appropriation, be developed by
22 the State Board of Education to measure student performance in
23 the academic areas of reading, writing, mathematics, science,
24 and social sciences. Beginning with the 2004-2005 school year,
25 however, the State Board of Education shall not test a student
26 in the social sciences (history, geography, civics, economics,

1 and government) as part of the Prairie State Achievement
2 Examination unless the student is retaking the Prairie State
3 Achievement Examination in the fall of 2004. In addition, the
4 State Board of Education shall not test a student in writing as
5 part of the Prairie State Achievement Examination during the
6 2005-2006 school year. The State Board of Education shall,
7 subject to appropriation, establish the academic standards
8 that are to apply in measuring student performance on the
9 Prairie State Achievement Examination including the minimum
10 examination score in each area that will qualify a student to
11 receive a Prairie State Achievement Award from the State in
12 recognition of the student's excellent performance. Each
13 school district that is subject to the requirements of this
14 subsection (c) shall afford all students 2 opportunities to
15 take the Prairie State Achievement Examination beginning as
16 late as practical during the second semester of grade 11, but
17 in no event before March 1. The State Board of Education shall
18 annually notify districts of the weeks during which these test
19 administrations shall be required to occur. Every
20 individualized educational program as described in Article 14
21 shall identify if the Prairie State Achievement Examination or
22 components thereof are appropriate for that student. Each
23 student, exclusive of a student whose individualized
24 educational program developed under Article 14 identifies the
25 Prairie State Achievement Examination as inappropriate for the
26 student, shall be required to take the examination in grade 11.

1 For each academic area the State Board of Education shall
2 establish the score that qualifies for the Prairie State
3 Achievement Award on that portion of the examination. Any
4 student who fails to earn a qualifying score for a Prairie
5 State Achievement Award in any one or more of the academic
6 areas on the initial test administration or who wishes to
7 improve his or her score on any portion of the examination
8 shall be permitted to retake such portion or portions of the
9 examination during grade 12. Districts shall inform their
10 students of the timelines and procedures applicable to their
11 participation in every yearly administration of the Prairie
12 State Achievement Examination. Students receiving special
13 education services whose individualized educational programs
14 identify the Prairie State Achievement Examination as
15 inappropriate for them nevertheless shall have the option of
16 taking the examination, which shall be administered to those
17 students in accordance with standards adopted by the State
18 Board of Education to accommodate the respective disabilities
19 of those students. A student who successfully completes all
20 other applicable high school graduation requirements but fails
21 to receive a score on the Prairie State Achievement Examination
22 that qualifies the student for receipt of a Prairie State
23 Achievement Award shall nevertheless qualify for the receipt of
24 a regular high school diploma. In no case, however, shall a
25 student receive a regular high school diploma without taking
26 the Prairie State Achievement Examination, unless the student

1 is exempted from taking the Prairie State Achievement
2 Examination under this subsection (c) because (i) the student's
3 individualized educational program developed under Article 14
4 of this Code identifies the Prairie State Achievement
5 Examination as inappropriate for the student, (ii) the student
6 is exempt due to the student's lack of English language
7 proficiency under subsection (a) of this Section, or (iii) the
8 student is enrolled in a program of Adult and Continuing
9 Education as defined in the Adult Education Act.

10 (d) Beginning with the 2002-2003 school year, all schools
11 in this State that are part of the sample drawn by the National
12 Center for Education Statistics, in collaboration with their
13 school districts and the State Board of Education, shall
14 administer the biennial State academic assessments of 4th and
15 8th grade reading and mathematics under the National Assessment
16 of Educational Progress carried out under Section m11(b)(2) of
17 the National Education Statistics Act of 1994 (20 U.S.C. 9010)
18 if the Secretary of Education pays the costs of administering
19 the assessments.

20 (e) Beginning no later than the 2005-2006 school year,
21 subject to available federal funds to this State for the
22 purpose of student assessment, the State Board of Education
23 shall provide additional tests and assessment resources that
24 may be used by school districts for local diagnostic purposes.
25 These tests and resources shall include without limitation
26 additional high school writing, physical development and

1 health, and fine arts assessments. The State Board of Education
2 shall annually distribute a listing of these additional tests
3 and resources, using funds available from appropriations made
4 for student assessment purposes.

5 (f) For the assessment and accountability purposes of this
6 Section, "all pupils" includes those pupils enrolled in a
7 public or State-operated elementary school, secondary school,
8 or cooperative or joint agreement with a governing body or
9 board of control, a charter school operating in compliance with
10 the Charter Schools Law, a school operated by a regional office
11 of education under Section 13A-3 of this Code, or a public
12 school administered by a local public agency or the Department
13 of Human Services.

14 (Source: P.A. 93-426, eff. 8-5-03; 93-838, eff. 7-30-04;
15 93-857, eff. 8-3-04; 94-69, eff. 7-1-05; 94-642, eff. 1-1-06;
16 94-875, eff. 7-1-06.)

17 (105 ILCS 5/2-3.80) (from Ch. 122, par. 2-3.80)

18 Sec. 2-3.80. (a) The General Assembly recognizes that
19 agriculture is the most basic and singularly important industry
20 in the State, that agriculture is of central importance to the
21 welfare and economic stability of the State, and that the
22 maintenance of this vital industry requires a continued source
23 of trained and qualified individuals for employment in
24 agriculture and agribusiness. The General Assembly hereby
25 declares that it is in the best interests of the people of the

1 State of Illinois that a comprehensive education program in
2 agriculture be created and maintained by the State's public
3 school system in order to ensure an adequate supply of trained
4 and skilled individuals and to ensure appropriate
5 representation of racial and ethnic groups in all phases of the
6 industry. It is the intent of the General Assembly that a State
7 program for agricultural education shall be a part of the
8 curriculum of the public school system K through adult, and
9 made readily available to all school districts which may, at
10 their option, include programs in education in agriculture as a
11 part of the curriculum of that district.

12 (b) The State Board of Education shall adopt such rules and
13 regulations as are necessary to implement the provisions of
14 this Section. The rules and regulations shall not create any
15 new State mandates on school districts as a condition of
16 receiving federal, State, and local funds by those entities. It
17 is in the intent of the General Assembly that, although this
18 Section does not create any new mandates, school districts are
19 strongly advised to follow the guidelines set forth in this
20 Section.

21 (c) The State Superintendent of Education shall, subject to
22 appropriation, assume responsibility for the administration of
23 the State program adopted under this Section throughout the
24 public school system as well as the articulation of the State
25 program to the requirements and mandates of federally assisted
26 education. There is currently within the State Board of

1 Education an agricultural education unit to assist school
2 districts in the establishment and maintenance of educational
3 programs pursuant to the provisions of this Section. The
4 staffing of the unit shall, subject to appropriation, ~~at all~~
5 ~~times~~ be comprised of an appropriate number of full-time
6 employees who shall serve as program consultants in
7 agricultural education and shall be available to provide
8 assistance to school districts. At least one consultant shall
9 be responsible for the coordination of the State program, as
10 Head Consultant. At least one consultant shall be responsible
11 for the coordination of the activities of student and
12 agricultural organizations and associations.

13 (d) Subject to appropriation, a ~~A~~ committee of 13
14 agriculturalists representative of the various and diverse
15 areas of the agricultural industry in Illinois shall be
16 established to at least develop a curriculum and overview the
17 implementation of the Build Illinois through Quality
18 Agricultural Education plans of the Illinois Leadership
19 Council for Agricultural Education and to advise the State
20 Board of Education on vocational agricultural education. The
21 Committee shall be composed of the following: (6)
22 agriculturalists representing the Illinois Leadership Council
23 for Agricultural Education; (2) Secondary Agriculture
24 Teachers; (1) "Ag In The Classroom" Teacher; (1) Community
25 College Agriculture Teacher; (1) Adult Agriculture Education
26 Teacher; (1) University Agriculture Teacher Educator; and (1)

1 FFA Representative. All members of the Committee shall be
2 appointed by the Governor by and with the advice and consent of
3 the Senate. The terms of all members so appointed shall be for
4 3 years, except that of the members initially appointed, 5
5 shall be appointed to serve for terms of 1 year, 4 shall be
6 appointed to serve for terms of 2 years and 4 shall be
7 appointed to serve for terms of 3 years. All members of the
8 Committee shall serve until their successors are appointed and
9 qualified. Vacancies in terms shall be filled by appointment of
10 the Governor with the advice and consent of the Senate for the
11 extent of the unexpired term. The State Board of Education
12 shall implement a Build Illinois through Quality Agricultural
13 Education plan following receipt of these recommendations
14 which shall be made available on or before March 31, 1987.
15 Recommendations shall include, but not be limited to, the
16 development of a curriculum and a strategy for the purpose of
17 establishing a source of trained and qualified individuals in
18 agriculture, a strategy for articulating the State program in
19 agricultural education throughout the public school system,
20 and a consumer education outreach strategy regarding the
21 importance of agriculture in Illinois. The committee of
22 agriculturalists shall serve without compensation.

23 (e) A school district that offers a secondary agricultural
24 education program that is approved for State and federal
25 funding must ensure that, at a minimum, all of the following
26 are available to its secondary agricultural education

1 students:

2 (1) An instructional sequence of courses approved by
3 the State Board of Education.

4 (2) A State and nationally affiliated FFA (Future
5 Farmers of America) chapter that is integral to instruction
6 and is not treated solely as an extracurricular activity.

7 (3) A mechanism for ensuring the involvement of all
8 secondary agricultural education students in formal,
9 supervised, agricultural-experience activities and
10 programs.

11 (f) Nothing in this Section may prevent those secondary
12 agricultural education programs that are in operation before
13 the effective date of this amendatory Act of the 94th General
14 Assembly and that do not have an active State and nationally
15 affiliated FFA chapter from continuing to operate or from
16 continuing to receive funding from the State Board of
17 Education.

18 (Source: P.A. 94-855, eff. 1-1-07.)

19 (105 ILCS 5/14-11.01) (from Ch. 122, par. 14-11.01)

20 Sec. 14-11.01. Educational materials coordinating unit.
21 The State Board of Education shall maintain or contract,
22 subject to appropriation, for an educational materials
23 coordinating unit for children with disabilities to provide:

24 (1) Staff and resources for the coordination, cataloging,
25 standardizing, production, procurement, storage, and

1 distribution of educational materials needed by visually
2 disabled children and adults with disabilities.

3 (2) Staff and resources of an instructional materials
4 center to include library, audio-visual, programmed, and other
5 types of instructional materials peculiarly adapted to the
6 instruction of pupils with disabilities.

7 The educational materials coordinating unit shall have as
8 its major purpose the improvement of instructional programs for
9 children with disabilities and the in-service training of all
10 professional personnel associated with programs of special
11 education and to these ends is authorized to operate under
12 rules and regulations of the State Board of Education with the
13 advice of the Advisory Council.

14 (Source: P.A. 89-397, eff. 8-20-95.)

15 (105 ILCS 5/18-17) (from Ch. 122, par. 18-17)

16 Sec. 18-17. The State Board of Education shall provide,
17 subject to appropriation, the loan of secular textbooks listed
18 for use by the State Board of Education free of charge to any
19 student in this State who is enrolled in grades kindergarten
20 through 12 at a public school or at a school other than a
21 public school which is in compliance with the compulsory
22 attendance laws of this State and Title VI of the Civil Rights
23 Act of 1964. The foregoing service shall be provided directly
24 to the students at their request or at the request of their
25 parents or guardians. The State Board of Education shall adopt

1 appropriate regulations to administer this Section and to
2 facilitate the equitable participation of all students
3 eligible for benefits hereunder, including provisions
4 authorizing the exchange, trade or transfer of loaned secular
5 textbooks between schools or school districts for students
6 enrolled in such schools or districts. The bonding requirements
7 of Sections 28-1 and 28-2 of this Code do not apply to the loan
8 of secular textbooks under this Section. After secular
9 textbooks have been on loan under this Section for a period of
10 5 years or more, such textbooks may be disposed of by school
11 districts in such manner as their respective school boards
12 shall determine following written notification to the State
13 Board of Education and expiration of a reasonable waiting
14 period not to exceed 30 days. Loaned textbooks may not be
15 disposed of out-of-State or sold without the prior approval of
16 the State Board of Education.

17 As used in this Section, "textbook" means any book or book
18 substitute which a pupil uses as a text or text substitute in a
19 particular class or program. It shall include books, reusable
20 workbooks, manuals, whether bound or in loose leaf form, and
21 instructional computer software, intended as a principal
22 source of study material for a given class or group of
23 students. "Textbook" also includes science curriculum
24 materials in a kit format that includes pre-packaged consumable
25 materials if (i) it is shown that the materials serve as a
26 textbook substitute, (ii) the materials are for use by pupils

1 as a principal learning resource, (iii) each component of the
2 materials is integrally necessary to teach the requirements of
3 the intended course, (iv) the kit includes teacher guidance
4 materials, and (v) the purchase of individual consumable
5 materials is not allowed.

6 (Source: P.A. 93-212, eff. 7-18-03; 94-927, eff. 1-1-07.)

7 (30 ILCS 608/Act rep.)

8 Section 90. The State Facilities Closure Act is repealed.

9 Section 97. Severability. The provisions of this Act are
10 severable under Section 1.31 of the Statute on Statutes.

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.