



Rep. William Davis

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LRB100 11017 MLM 26370 a

1 AMENDMENT TO HOUSE BILL 2808

2 AMENDMENT NO. _____. Amend House Bill 2808 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. This Act may be referred to as the
5 Evidence-Based Funding for Student Success Act.

6 Section 5. The Economic Development Area Tax Increment
7 Allocation Act is amended by changing Section 7 as follows:

8 (20 ILCS 620/7) (from Ch. 67 1/2, par. 1007)

9 Sec. 7. Creation of special tax allocation fund. If a
10 municipality has adopted tax increment allocation financing
11 for an economic development project area by ordinance, the
12 county clerk has thereafter certified the "total initial
13 equalized assessed value" of the taxable real property within
14 such economic development project area in the manner provided
15 in Section 6 of this Act, and the Department has approved and

1 certified the economic development project area, each year
2 after the date of the certification by the county clerk of the
3 "total initial equalized assessed value" until economic
4 development project costs and all municipal obligations
5 financing economic development project costs have been paid,
6 the ad valorem taxes, if any, arising from the levies upon the
7 taxable real property in the economic development project area
8 by taxing districts and tax rates determined in the manner
9 provided in subsection (b) of Section 6 of this Act shall be
10 divided as follows:

11 (1) That portion of the taxes levied upon each taxable lot,
12 block, tract or parcel of real property which is attributable
13 to the lower of the current equalized assessed value or the
14 initial equalized assessed value of each such taxable lot,
15 block, tract, or parcel of real property existing at the time
16 tax increment allocation financing was adopted, shall be
17 allocated to and when collected shall be paid by the county
18 collector to the respective affected taxing districts in the
19 manner required by law in the absence of the adoption of tax
20 increment allocation financing.

21 (2) That portion, if any, of those taxes which is
22 attributable to the increase in the current equalized assessed
23 valuation of each taxable lot, block, tract, or parcel of real
24 property in the economic development project area, over and
25 above the initial equalized assessed value of each property
26 existing at the time tax increment allocation financing was

1 adopted, shall be allocated to and when collected shall be paid
2 to the municipal treasurer, who shall deposit those taxes into
3 a special fund called the special tax allocation fund of the
4 municipality for the purpose of paying economic development
5 project costs and obligations incurred in the payment thereof.

6 The municipality, by an ordinance adopting tax increment
7 allocation financing, may pledge the funds in and to be
8 deposited in the special tax allocation fund for the payment of
9 obligations issued under this Act and for the payment of
10 economic development project costs. No part of the current
11 equalized assessed valuation of each property in the economic
12 development project area attributable to any increase above the
13 total initial equalized assessed value, of such properties
14 shall be used in calculating the general State school aid
15 formula, provided for in Section 18-8 of the School Code, or
16 the evidence-based funding formula, provided for in Section
17 18-8.15 of the School Code, until such time as all economic
18 development projects costs have been paid as provided for in
19 this Section.

20 When the economic development project costs, including
21 without limitation all municipal obligations financing
22 economic development project costs incurred under this Act,
23 have been paid, all surplus funds then remaining in the special
24 tax allocation fund shall be distributed by being paid by the
25 municipal treasurer to the county collector, who shall
26 immediately thereafter pay those funds to the taxing districts

1 having taxable property in the economic development project
2 area in the same manner and proportion as the most recent
3 distribution by the county collector to those taxing districts
4 of real property taxes from real property in the economic
5 development project area.

6 Upon the payment of all economic development project costs,
7 retirement of obligations and the distribution of any excess
8 monies pursuant to this Section the municipality shall adopt an
9 ordinance dissolving the special tax allocation fund for the
10 economic development project area, terminating the economic
11 development project area, and terminating the use of tax
12 increment allocation financing for the economic development
13 project area. Thereafter the rates of the taxing districts
14 shall be extended and taxes levied, collected and distributed
15 in the manner applicable in the absence of the adoption of tax
16 increment allocation financing.

17 Nothing in this Section shall be construed as relieving
18 property in economic development project areas from being
19 assessed as provided in the Property Tax Code, or as relieving
20 owners of that property from paying a uniform rate of taxes, as
21 required by Section 4 of Article IX of the Illinois
22 Constitution.

23 (Source: P.A. 98-463, eff. 8-16-13.)

24 Section 10. The State Finance Act is amended by changing
25 Section 13.2 as follows:

1 (30 ILCS 105/13.2) (from Ch. 127, par. 149.2)

2 Sec. 13.2. Transfers among line item appropriations.

3 (a) Transfers among line item appropriations from the same
4 treasury fund for the objects specified in this Section may be
5 made in the manner provided in this Section when the balance
6 remaining in one or more such line item appropriations is
7 insufficient for the purpose for which the appropriation was
8 made.

9 (a-1) No transfers may be made from one agency to another
10 agency, nor may transfers be made from one institution of
11 higher education to another institution of higher education
12 except as provided by subsection (a-4).

13 (a-2) Except as otherwise provided in this Section,
14 transfers may be made only among the objects of expenditure
15 enumerated in this Section, except that no funds may be
16 transferred from any appropriation for personal services, from
17 any appropriation for State contributions to the State
18 Employees' Retirement System, from any separate appropriation
19 for employee retirement contributions paid by the employer, nor
20 from any appropriation for State contribution for employee
21 group insurance. During State fiscal year 2005, an agency may
22 transfer amounts among its appropriations within the same
23 treasury fund for personal services, employee retirement
24 contributions paid by employer, and State Contributions to
25 retirement systems; notwithstanding and in addition to the

1 transfers authorized in subsection (c) of this Section, the
2 fiscal year 2005 transfers authorized in this sentence may be
3 made in an amount not to exceed 2% of the aggregate amount
4 appropriated to an agency within the same treasury fund. During
5 State fiscal year 2007, the Departments of Children and Family
6 Services, Corrections, Human Services, and Juvenile Justice
7 may transfer amounts among their respective appropriations
8 within the same treasury fund for personal services, employee
9 retirement contributions paid by employer, and State
10 contributions to retirement systems. During State fiscal year
11 2010, the Department of Transportation may transfer amounts
12 among their respective appropriations within the same treasury
13 fund for personal services, employee retirement contributions
14 paid by employer, and State contributions to retirement
15 systems. During State fiscal years 2010 and 2014 only, an
16 agency may transfer amounts among its respective
17 appropriations within the same treasury fund for personal
18 services, employee retirement contributions paid by employer,
19 and State contributions to retirement systems.
20 Notwithstanding, and in addition to, the transfers authorized
21 in subsection (c) of this Section, these transfers may be made
22 in an amount not to exceed 2% of the aggregate amount
23 appropriated to an agency within the same treasury fund.

24 (a-2.5) During State fiscal year 2015 only, the State's
25 Attorneys Appellate Prosecutor may transfer amounts among its
26 respective appropriations contained in operational line items

1 within the same treasury fund. Notwithstanding, and in addition
2 to, the transfers authorized in subsection (c) of this Section,
3 these transfers may be made in an amount not to exceed 4% of
4 the aggregate amount appropriated to the State's Attorneys
5 Appellate Prosecutor within the same treasury fund.

6 (a-3) Further, if an agency receives a separate
7 appropriation for employee retirement contributions paid by
8 the employer, any transfer by that agency into an appropriation
9 for personal services must be accompanied by a corresponding
10 transfer into the appropriation for employee retirement
11 contributions paid by the employer, in an amount sufficient to
12 meet the employer share of the employee contributions required
13 to be remitted to the retirement system.

14 (a-4) Long-Term Care Rebalancing. The Governor may
15 designate amounts set aside for institutional services
16 appropriated from the General Revenue Fund or any other State
17 fund that receives monies for long-term care services to be
18 transferred to all State agencies responsible for the
19 administration of community-based long-term care programs,
20 including, but not limited to, community-based long-term care
21 programs administered by the Department of Healthcare and
22 Family Services, the Department of Human Services, and the
23 Department on Aging, provided that the Director of Healthcare
24 and Family Services first certifies that the amounts being
25 transferred are necessary for the purpose of assisting persons
26 in or at risk of being in institutional care to transition to

1 community-based settings, including the financial data needed
2 to prove the need for the transfer of funds. The total amounts
3 transferred shall not exceed 4% in total of the amounts
4 appropriated from the General Revenue Fund or any other State
5 fund that receives monies for long-term care services for each
6 fiscal year. A notice of the fund transfer must be made to the
7 General Assembly and posted at a minimum on the Department of
8 Healthcare and Family Services website, the Governor's Office
9 of Management and Budget website, and any other website the
10 Governor sees fit. These postings shall serve as notice to the
11 General Assembly of the amounts to be transferred. Notice shall
12 be given at least 30 days prior to transfer.

13 (b) In addition to the general transfer authority provided
14 under subsection (c), the following agencies have the specific
15 transfer authority granted in this subsection:

16 The Department of Healthcare and Family Services is
17 authorized to make transfers representing savings attributable
18 to not increasing grants due to the births of additional
19 children from line items for payments of cash grants to line
20 items for payments for employment and social services for the
21 purposes outlined in subsection (f) of Section 4-2 of the
22 Illinois Public Aid Code.

23 The Department of Children and Family Services is
24 authorized to make transfers not exceeding 2% of the aggregate
25 amount appropriated to it within the same treasury fund for the
26 following line items among these same line items: Foster Home

1 and Specialized Foster Care and Prevention, Institutions and
2 Group Homes and Prevention, and Purchase of Adoption and
3 Guardianship Services.

4 The Department on Aging is authorized to make transfers not
5 exceeding 2% of the aggregate amount appropriated to it within
6 the same treasury fund for the following Community Care Program
7 line items among these same line items: purchase of services
8 covered by the Community Care Program and Comprehensive Case
9 Coordination.

10 The State Treasurer is authorized to make transfers among
11 line item appropriations from the Capital Litigation Trust
12 Fund, with respect to costs incurred in fiscal years 2002 and
13 2003 only, when the balance remaining in one or more such line
14 item appropriations is insufficient for the purpose for which
15 the appropriation was made, provided that no such transfer may
16 be made unless the amount transferred is no longer required for
17 the purpose for which that appropriation was made.

18 The State Board of Education is authorized to make
19 transfers from line item appropriations within the same
20 treasury fund for General State Aid, ~~and~~ General State Aid -
21 Hold Harmless, Evidence-Based Funding, provided that no such
22 transfer may be made unless the amount transferred is no longer
23 required for the purpose for which that appropriation was made,
24 to the line item appropriation for Transitional Assistance when
25 the balance remaining in such line item appropriation is
26 insufficient for the purpose for which the appropriation was

1 made.

2 The State Board of Education is authorized to make
3 transfers between the following line item appropriations
4 within the same treasury fund: Disabled Student
5 Services/Materials (Section 14-13.01 of the School Code),
6 Disabled Student Transportation Reimbursement (Section
7 14-13.01 of the School Code), Disabled Student Tuition -
8 Private Tuition (Section 14-7.02 of the School Code),
9 Extraordinary Special Education (Section 14-7.02b of the
10 School Code), Reimbursement for Free Lunch/Breakfast Program,
11 Summer School Payments (Section 18-4.3 of the School Code), and
12 Transportation - Regular/Vocational Reimbursement (Section
13 29-5 of the School Code). Such transfers shall be made only
14 when the balance remaining in one or more such line item
15 appropriations is insufficient for the purpose for which the
16 appropriation was made and provided that no such transfer may
17 be made unless the amount transferred is no longer required for
18 the purpose for which that appropriation was made.

19 The Department of Healthcare and Family Services is
20 authorized to make transfers not exceeding 4% of the aggregate
21 amount appropriated to it, within the same treasury fund, among
22 the various line items appropriated for Medical Assistance.

23 (c) The sum of such transfers for an agency in a fiscal
24 year shall not exceed 2% of the aggregate amount appropriated
25 to it within the same treasury fund for the following objects:
26 Personal Services; Extra Help; Student and Inmate

1 Compensation; State Contributions to Retirement Systems; State
2 Contributions to Social Security; State Contribution for
3 Employee Group Insurance; Contractual Services; Travel;
4 Commodities; Printing; Equipment; Electronic Data Processing;
5 Operation of Automotive Equipment; Telecommunications
6 Services; Travel and Allowance for Committed, Paroled and
7 Discharged Prisoners; Library Books; Federal Matching Grants
8 for Student Loans; Refunds; Workers' Compensation,
9 Occupational Disease, and Tort Claims; and, in appropriations
10 to institutions of higher education, Awards and Grants.
11 Notwithstanding the above, any amounts appropriated for
12 payment of workers' compensation claims to an agency to which
13 the authority to evaluate, administer and pay such claims has
14 been delegated by the Department of Central Management Services
15 may be transferred to any other expenditure object where such
16 amounts exceed the amount necessary for the payment of such
17 claims.

18 (c-1) Special provisions for State fiscal year 2003.
19 Notwithstanding any other provision of this Section to the
20 contrary, for State fiscal year 2003 only, transfers among line
21 item appropriations to an agency from the same treasury fund
22 may be made provided that the sum of such transfers for an
23 agency in State fiscal year 2003 shall not exceed 3% of the
24 aggregate amount appropriated to that State agency for State
25 fiscal year 2003 for the following objects: personal services,
26 except that no transfer may be approved which reduces the

1 aggregate appropriations for personal services within an
2 agency; extra help; student and inmate compensation; State
3 contributions to retirement systems; State contributions to
4 social security; State contributions for employee group
5 insurance; contractual services; travel; commodities;
6 printing; equipment; electronic data processing; operation of
7 automotive equipment; telecommunications services; travel and
8 allowance for committed, paroled, and discharged prisoners;
9 library books; federal matching grants for student loans;
10 refunds; workers' compensation, occupational disease, and tort
11 claims; and, in appropriations to institutions of higher
12 education, awards and grants.

13 (c-2) Special provisions for State fiscal year 2005.
14 Notwithstanding subsections (a), (a-2), and (c), for State
15 fiscal year 2005 only, transfers may be made among any line
16 item appropriations from the same or any other treasury fund
17 for any objects or purposes, without limitation, when the
18 balance remaining in one or more such line item appropriations
19 is insufficient for the purpose for which the appropriation was
20 made, provided that the sum of those transfers by a State
21 agency shall not exceed 4% of the aggregate amount appropriated
22 to that State agency for fiscal year 2005.

23 (c-3) Special provisions for State fiscal year 2015.
24 Notwithstanding any other provision of this Section, for State
25 fiscal year 2015, transfers among line item appropriations to a
26 State agency from the same State treasury fund may be made for

1 operational or lump sum expenses only, provided that the sum of
2 such transfers for a State agency in State fiscal year 2015
3 shall not exceed 4% of the aggregate amount appropriated to
4 that State agency for operational or lump sum expenses for
5 State fiscal year 2015. For the purpose of this subsection,
6 "operational or lump sum expenses" includes the following
7 objects: personal services; extra help; student and inmate
8 compensation; State contributions to retirement systems; State
9 contributions to social security; State contributions for
10 employee group insurance; contractual services; travel;
11 commodities; printing; equipment; electronic data processing;
12 operation of automotive equipment; telecommunications
13 services; travel and allowance for committed, paroled, and
14 discharged prisoners; library books; federal matching grants
15 for student loans; refunds; workers' compensation,
16 occupational disease, and tort claims; lump sum and other
17 purposes; and lump sum operations. For the purpose of this
18 subsection (c-3), "State agency" does not include the Attorney
19 General, the Secretary of State, the Comptroller, the
20 Treasurer, or the legislative or judicial branches.

21 (d) Transfers among appropriations made to agencies of the
22 Legislative and Judicial departments and to the
23 constitutionally elected officers in the Executive branch
24 require the approval of the officer authorized in Section 10 of
25 this Act to approve and certify vouchers. Transfers among
26 appropriations made to the University of Illinois, Southern

1 Illinois University, Chicago State University, Eastern
2 Illinois University, Governors State University, Illinois
3 State University, Northeastern Illinois University, Northern
4 Illinois University, Western Illinois University, the Illinois
5 Mathematics and Science Academy and the Board of Higher
6 Education require the approval of the Board of Higher Education
7 and the Governor. Transfers among appropriations to all other
8 agencies require the approval of the Governor.

9 The officer responsible for approval shall certify that the
10 transfer is necessary to carry out the programs and purposes
11 for which the appropriations were made by the General Assembly
12 and shall transmit to the State Comptroller a certified copy of
13 the approval which shall set forth the specific amounts
14 transferred so that the Comptroller may change his records
15 accordingly. The Comptroller shall furnish the Governor with
16 information copies of all transfers approved for agencies of
17 the Legislative and Judicial departments and transfers
18 approved by the constitutionally elected officials of the
19 Executive branch other than the Governor, showing the amounts
20 transferred and indicating the dates such changes were entered
21 on the Comptroller's records.

22 (e) The State Board of Education, in consultation with the
23 State Comptroller, may transfer line item appropriations for
24 General State Aid or Evidence-Based Funding between the Common
25 School Fund and the Education Assistance Fund. With the advice
26 and consent of the Governor's Office of Management and Budget,

1 the State Board of Education, in consultation with the State
2 Comptroller, may transfer line item appropriations between the
3 General Revenue Fund and the Education Assistance Fund for the
4 following programs:

5 (1) Disabled Student Personnel Reimbursement (Section
6 14-13.01 of the School Code);

7 (2) Disabled Student Transportation Reimbursement
8 (subsection (b) of Section 14-13.01 of the School Code);

9 (3) Disabled Student Tuition - Private Tuition
10 (Section 14-7.02 of the School Code);

11 (4) Extraordinary Special Education (Section 14-7.02b
12 of the School Code);

13 (5) Reimbursement for Free Lunch/Breakfast Programs;

14 (6) Summer School Payments (Section 18-4.3 of the
15 School Code);

16 (7) Transportation - Regular/Vocational Reimbursement
17 (Section 29-5 of the School Code);

18 (8) Regular Education Reimbursement (Section 18-3 of
19 the School Code); and

20 (9) Special Education Reimbursement (Section 14-7.03
21 of the School Code).

22 (Source: P.A. 98-24, eff. 6-19-13; 98-674, eff. 6-30-14; 99-2,
23 eff. 3-26-15.)

24 Section 15. The Property Tax Code is amended by changing
25 Sections 18-200 and 18-249 as follows:

1 (35 ILCS 200/18-200)

2 Sec. 18-200. School Code. A school district's State aid
3 shall not be reduced under the computation under subsections
4 5(a) through 5(h) of Part A of Section 18-8 of the School Code
5 or under Section 18-8.15 of the School Code due to the
6 operating tax rate falling from above the minimum requirement
7 of that Section of the School Code to below the minimum
8 requirement of that Section of the School Code due to the
9 operation of this Law.

10 (Source: P.A. 87-17; 88-455.)

11 (35 ILCS 200/18-249)

12 Sec. 18-249. Miscellaneous provisions.

13 (a) Certification of new property. For the 1994 levy year,
14 the chief county assessment officer shall certify to the county
15 clerk, after all changes by the board of review or board of
16 appeals, as the case may be, the assessed value of new property
17 by taxing district for the 1994 levy year under rules
18 promulgated by the Department.

19 (b) School Code. A school district's State aid shall not be
20 reduced under the computation under subsections 5(a) through
21 5(h) of Part A of Section 18-8 of the School Code or under
22 Section 18-8.15 of the School Code due to the operating tax
23 rate falling from above the minimum requirement of that Section
24 of the School Code to below the minimum requirement of that

1 Section of the School Code due to the operation of this Law.

2 (c) Rules. The Department shall make and promulgate
3 reasonable rules relating to the administration of the purposes
4 and provisions of Sections 18-246 through 18-249 as may be
5 necessary or appropriate.

6 (Source: P.A. 89-1, eff. 2-12-95.)

7 Section 17. The Illinois Pension Code is amended by
8 changing Section 16-158 as follows:

9 (40 ILCS 5/16-158) (from Ch. 108 1/2, par. 16-158)

10 (Text of Section WITHOUT the changes made by P.A. 98-599,
11 which has been held unconstitutional)

12 Sec. 16-158. Contributions by State and other employing
13 units.

14 (a) The State shall make contributions to the System by
15 means of appropriations from the Common School Fund and other
16 State funds of amounts which, together with other employer
17 contributions, employee contributions, investment income, and
18 other income, will be sufficient to meet the cost of
19 maintaining and administering the System on a 90% funded basis
20 in accordance with actuarial recommendations.

21 The Board shall determine the amount of State contributions
22 required for each fiscal year on the basis of the actuarial
23 tables and other assumptions adopted by the Board and the
24 recommendations of the actuary, using the formula in subsection

1 (b-3).

2 (a-1) Annually, on or before November 15 until November 15,
3 2011, the Board shall certify to the Governor the amount of the
4 required State contribution for the coming fiscal year. The
5 certification under this subsection (a-1) shall include a copy
6 of the actuarial recommendations upon which it is based and
7 shall specifically identify the System's projected State
8 normal cost for that fiscal year.

9 On or before May 1, 2004, the Board shall recalculate and
10 recertify to the Governor the amount of the required State
11 contribution to the System for State fiscal year 2005, taking
12 into account the amounts appropriated to and received by the
13 System under subsection (d) of Section 7.2 of the General
14 Obligation Bond Act.

15 On or before July 1, 2005, the Board shall recalculate and
16 recertify to the Governor the amount of the required State
17 contribution to the System for State fiscal year 2006, taking
18 into account the changes in required State contributions made
19 by this amendatory Act of the 94th General Assembly.

20 On or before April 1, 2011, the Board shall recalculate and
21 recertify to the Governor the amount of the required State
22 contribution to the System for State fiscal year 2011, applying
23 the changes made by Public Act 96-889 to the System's assets
24 and liabilities as of June 30, 2009 as though Public Act 96-889
25 was approved on that date.

26 (a-5) On or before November 1 of each year, beginning

1 November 1, 2012, the Board shall submit to the State Actuary,
2 the Governor, and the General Assembly a proposed certification
3 of the amount of the required State contribution to the System
4 for the next fiscal year, along with all of the actuarial
5 assumptions, calculations, and data upon which that proposed
6 certification is based. On or before January 1 of each year,
7 beginning January 1, 2013, the State Actuary shall issue a
8 preliminary report concerning the proposed certification and
9 identifying, if necessary, recommended changes in actuarial
10 assumptions that the Board must consider before finalizing its
11 certification of the required State contributions. On or before
12 January 15, 2013 and each January 15 thereafter, the Board
13 shall certify to the Governor and the General Assembly the
14 amount of the required State contribution for the next fiscal
15 year. The Board's certification must note any deviations from
16 the State Actuary's recommended changes, the reason or reasons
17 for not following the State Actuary's recommended changes, and
18 the fiscal impact of not following the State Actuary's
19 recommended changes on the required State contribution.

20 (b) Through State fiscal year 1995, the State contributions
21 shall be paid to the System in accordance with Section 18-7 of
22 the School Code.

23 (b-1) Beginning in State fiscal year 1996, on the 15th day
24 of each month, or as soon thereafter as may be practicable, the
25 Board shall submit vouchers for payment of State contributions
26 to the System, in a total monthly amount of one-twelfth of the

1 required annual State contribution certified under subsection
2 (a-1). From the effective date of this amendatory Act of the
3 93rd General Assembly through June 30, 2004, the Board shall
4 not submit vouchers for the remainder of fiscal year 2004 in
5 excess of the fiscal year 2004 certified contribution amount
6 determined under this Section after taking into consideration
7 the transfer to the System under subsection (a) of Section
8 6z-61 of the State Finance Act. These vouchers shall be paid by
9 the State Comptroller and Treasurer by warrants drawn on the
10 funds appropriated to the System for that fiscal year.

11 If in any month the amount remaining unexpended from all
12 other appropriations to the System for the applicable fiscal
13 year (including the appropriations to the System under Section
14 8.12 of the State Finance Act and Section 1 of the State
15 Pension Funds Continuing Appropriation Act) is less than the
16 amount lawfully vouchered under this subsection, the
17 difference shall be paid from the Common School Fund under the
18 continuing appropriation authority provided in Section 1.1 of
19 the State Pension Funds Continuing Appropriation Act.

20 (b-2) Allocations from the Common School Fund apportioned
21 to school districts not coming under this System shall not be
22 diminished or affected by the provisions of this Article.

23 (b-3) For State fiscal years 2012 through 2045, the minimum
24 contribution to the System to be made by the State for each
25 fiscal year shall be an amount determined by the System to be
26 sufficient to bring the total assets of the System up to 90% of

1 the total actuarial liabilities of the System by the end of
2 State fiscal year 2045. In making these determinations, the
3 required State contribution shall be calculated each year as a
4 level percentage of payroll over the years remaining to and
5 including fiscal year 2045 and shall be determined under the
6 projected unit credit actuarial cost method.

7 For State fiscal years 1996 through 2005, the State
8 contribution to the System, as a percentage of the applicable
9 employee payroll, shall be increased in equal annual increments
10 so that by State fiscal year 2011, the State is contributing at
11 the rate required under this Section; except that in the
12 following specified State fiscal years, the State contribution
13 to the System shall not be less than the following indicated
14 percentages of the applicable employee payroll, even if the
15 indicated percentage will produce a State contribution in
16 excess of the amount otherwise required under this subsection
17 and subsection (a), and notwithstanding any contrary
18 certification made under subsection (a-1) before the effective
19 date of this amendatory Act of 1998: 10.02% in FY 1999; 10.77%
20 in FY 2000; 11.47% in FY 2001; 12.16% in FY 2002; 12.86% in FY
21 2003; and 13.56% in FY 2004.

22 Notwithstanding any other provision of this Article, the
23 total required State contribution for State fiscal year 2006 is
24 \$534,627,700.

25 Notwithstanding any other provision of this Article, the
26 total required State contribution for State fiscal year 2007 is

1 \$738,014,500.

2 For each of State fiscal years 2008 through 2009, the State
3 contribution to the System, as a percentage of the applicable
4 employee payroll, shall be increased in equal annual increments
5 from the required State contribution for State fiscal year
6 2007, so that by State fiscal year 2011, the State is
7 contributing at the rate otherwise required under this Section.

8 Notwithstanding any other provision of this Article, the
9 total required State contribution for State fiscal year 2010 is
10 \$2,089,268,000 and shall be made from the proceeds of bonds
11 sold in fiscal year 2010 pursuant to Section 7.2 of the General
12 Obligation Bond Act, less (i) the pro rata share of bond sale
13 expenses determined by the System's share of total bond
14 proceeds, (ii) any amounts received from the Common School Fund
15 in fiscal year 2010, and (iii) any reduction in bond proceeds
16 due to the issuance of discounted bonds, if applicable.

17 Notwithstanding any other provision of this Article, the
18 total required State contribution for State fiscal year 2011 is
19 the amount recertified by the System on or before April 1, 2011
20 pursuant to subsection (a-1) of this Section and shall be made
21 from the proceeds of bonds sold in fiscal year 2011 pursuant to
22 Section 7.2 of the General Obligation Bond Act, less (i) the
23 pro rata share of bond sale expenses determined by the System's
24 share of total bond proceeds, (ii) any amounts received from
25 the Common School Fund in fiscal year 2011, and (iii) any
26 reduction in bond proceeds due to the issuance of discounted

1 bonds, if applicable. This amount shall include, in addition to
2 the amount certified by the System, an amount necessary to meet
3 employer contributions required by the State as an employer
4 under paragraph (e) of this Section, which may also be used by
5 the System for contributions required by paragraph (a) of
6 Section 16-127.

7 Beginning in State fiscal year 2046, the minimum State
8 contribution for each fiscal year shall be the amount needed to
9 maintain the total assets of the System at 90% of the total
10 actuarial liabilities of the System.

11 Amounts received by the System pursuant to Section 25 of
12 the Budget Stabilization Act or Section 8.12 of the State
13 Finance Act in any fiscal year do not reduce and do not
14 constitute payment of any portion of the minimum State
15 contribution required under this Article in that fiscal year.
16 Such amounts shall not reduce, and shall not be included in the
17 calculation of, the required State contributions under this
18 Article in any future year until the System has reached a
19 funding ratio of at least 90%. A reference in this Article to
20 the "required State contribution" or any substantially similar
21 term does not include or apply to any amounts payable to the
22 System under Section 25 of the Budget Stabilization Act.

23 Notwithstanding any other provision of this Section, the
24 required State contribution for State fiscal year 2005 and for
25 fiscal year 2008 and each fiscal year thereafter, as calculated
26 under this Section and certified under subsection (a-1), shall

1 not exceed an amount equal to (i) the amount of the required
2 State contribution that would have been calculated under this
3 Section for that fiscal year if the System had not received any
4 payments under subsection (d) of Section 7.2 of the General
5 Obligation Bond Act, minus (ii) the portion of the State's
6 total debt service payments for that fiscal year on the bonds
7 issued in fiscal year 2003 for the purposes of that Section
8 7.2, as determined and certified by the Comptroller, that is
9 the same as the System's portion of the total moneys
10 distributed under subsection (d) of Section 7.2 of the General
11 Obligation Bond Act. In determining this maximum for State
12 fiscal years 2008 through 2010, however, the amount referred to
13 in item (i) shall be increased, as a percentage of the
14 applicable employee payroll, in equal increments calculated
15 from the sum of the required State contribution for State
16 fiscal year 2007 plus the applicable portion of the State's
17 total debt service payments for fiscal year 2007 on the bonds
18 issued in fiscal year 2003 for the purposes of Section 7.2 of
19 the General Obligation Bond Act, so that, by State fiscal year
20 2011, the State is contributing at the rate otherwise required
21 under this Section.

22 (c) Payment of the required State contributions and of all
23 pensions, retirement annuities, death benefits, refunds, and
24 other benefits granted under or assumed by this System, and all
25 expenses in connection with the administration and operation
26 thereof, are obligations of the State.

1 If members are paid from special trust or federal funds
2 which are administered by the employing unit, whether school
3 district or other unit, the employing unit shall pay to the
4 System from such funds the full accruing retirement costs based
5 upon that service, which, beginning July 1, 2017 ~~2014~~, shall be
6 at a rate, expressed as a percentage of salary, equal to the
7 total employer's ~~minimum contribution to the System to be made~~
8 ~~by the State for that fiscal year, including both~~ normal cost
9 ~~and unfunded liability components~~, expressed as a percentage of
10 payroll, as determined by the System ~~under subsection (b-3) of~~
11 ~~this Section~~. Employer contributions, based on salary paid to
12 members from federal funds, may be forwarded by the
13 distributing agency of the State of Illinois to the System
14 prior to allocation, in an amount determined in accordance with
15 guidelines established by such agency and the System. Any
16 contribution for fiscal year 2015 collected as a result of the
17 change made by this amendatory Act of the 98th General Assembly
18 shall be considered a State contribution under subsection (b-3)
19 of this Section.

20 (d) Effective July 1, 1986, any employer of a teacher as
21 defined in paragraph (8) of Section 16-106 shall pay the
22 employer's normal cost of benefits based upon the teacher's
23 service, in addition to employee contributions, as determined
24 by the System. Such employer contributions shall be forwarded
25 monthly in accordance with guidelines established by the
26 System.

1 However, with respect to benefits granted under Section
2 16-133.4 or 16-133.5 to a teacher as defined in paragraph (8)
3 of Section 16-106, the employer's contribution shall be 12%
4 (rather than 20%) of the member's highest annual salary rate
5 for each year of creditable service granted, and the employer
6 shall also pay the required employee contribution on behalf of
7 the teacher. For the purposes of Sections 16-133.4 and
8 16-133.5, a teacher as defined in paragraph (8) of Section
9 16-106 who is serving in that capacity while on leave of
10 absence from another employer under this Article shall not be
11 considered an employee of the employer from which the teacher
12 is on leave.

13 (e) Beginning July 1, 1998, every employer of a teacher
14 shall pay to the System an employer contribution computed as
15 follows:

16 (1) Beginning July 1, 1998 through June 30, 1999, the
17 employer contribution shall be equal to 0.3% of each
18 teacher's salary.

19 (2) Beginning July 1, 1999 and thereafter, the employer
20 contribution shall be equal to 0.58% of each teacher's
21 salary.

22 The school district or other employing unit may pay these
23 employer contributions out of any source of funding available
24 for that purpose and shall forward the contributions to the
25 System on the schedule established for the payment of member
26 contributions.

1 These employer contributions are intended to offset a
2 portion of the cost to the System of the increases in
3 retirement benefits resulting from this amendatory Act of 1998.

4 Each employer of teachers is entitled to a credit against
5 the contributions required under this subsection (e) with
6 respect to salaries paid to teachers for the period January 1,
7 2002 through June 30, 2003, equal to the amount paid by that
8 employer under subsection (a-5) of Section 6.6 of the State
9 Employees Group Insurance Act of 1971 with respect to salaries
10 paid to teachers for that period.

11 The additional 1% employee contribution required under
12 Section 16-152 by this amendatory Act of 1998 is the
13 responsibility of the teacher and not the teacher's employer,
14 unless the employer agrees, through collective bargaining or
15 otherwise, to make the contribution on behalf of the teacher.

16 If an employer is required by a contract in effect on May
17 1, 1998 between the employer and an employee organization to
18 pay, on behalf of all its full-time employees covered by this
19 Article, all mandatory employee contributions required under
20 this Article, then the employer shall be excused from paying
21 the employer contribution required under this subsection (e)
22 for the balance of the term of that contract. The employer and
23 the employee organization shall jointly certify to the System
24 the existence of the contractual requirement, in such form as
25 the System may prescribe. This exclusion shall cease upon the
26 termination, extension, or renewal of the contract at any time

1 after May 1, 1998.

2 (f) If the amount of a teacher's salary for any school year
3 used to determine final average salary exceeds the member's
4 annual full-time salary rate with the same employer for the
5 previous school year by more than 6%, the teacher's employer
6 shall pay to the System, in addition to all other payments
7 required under this Section and in accordance with guidelines
8 established by the System, the present value of the increase in
9 benefits resulting from the portion of the increase in salary
10 that is in excess of 6%. This present value shall be computed
11 by the System on the basis of the actuarial assumptions and
12 tables used in the most recent actuarial valuation of the
13 System that is available at the time of the computation. If a
14 teacher's salary for the 2005-2006 school year is used to
15 determine final average salary under this subsection (f), then
16 the changes made to this subsection (f) by Public Act 94-1057
17 shall apply in calculating whether the increase in his or her
18 salary is in excess of 6%. For the purposes of this Section,
19 change in employment under Section 10-21.12 of the School Code
20 on or after June 1, 2005 shall constitute a change in employer.
21 The System may require the employer to provide any pertinent
22 information or documentation. The changes made to this
23 subsection (f) by this amendatory Act of the 94th General
24 Assembly apply without regard to whether the teacher was in
25 service on or after its effective date.

26 Whenever it determines that a payment is or may be required

1 under this subsection, the System shall calculate the amount of
2 the payment and bill the employer for that amount. The bill
3 shall specify the calculations used to determine the amount
4 due. If the employer disputes the amount of the bill, it may,
5 within 30 days after receipt of the bill, apply to the System
6 in writing for a recalculation. The application must specify in
7 detail the grounds of the dispute and, if the employer asserts
8 that the calculation is subject to subsection (g) or (h) of
9 this Section, must include an affidavit setting forth and
10 attesting to all facts within the employer's knowledge that are
11 pertinent to the applicability of that subsection. Upon
12 receiving a timely application for recalculation, the System
13 shall review the application and, if appropriate, recalculate
14 the amount due.

15 The employer contributions required under this subsection
16 (f) may be paid in the form of a lump sum within 90 days after
17 receipt of the bill. If the employer contributions are not paid
18 within 90 days after receipt of the bill, then interest will be
19 charged at a rate equal to the System's annual actuarially
20 assumed rate of return on investment compounded annually from
21 the 91st day after receipt of the bill. Payments must be
22 concluded within 3 years after the employer's receipt of the
23 bill.

24 (g) This subsection (g) applies only to payments made or
25 salary increases given on or after June 1, 2005 but before July
26 1, 2011. The changes made by Public Act 94-1057 shall not

1 require the System to refund any payments received before July
2 31, 2006 (the effective date of Public Act 94-1057).

3 When assessing payment for any amount due under subsection
4 (f), the System shall exclude salary increases paid to teachers
5 under contracts or collective bargaining agreements entered
6 into, amended, or renewed before June 1, 2005.

7 When assessing payment for any amount due under subsection
8 (f), the System shall exclude salary increases paid to a
9 teacher at a time when the teacher is 10 or more years from
10 retirement eligibility under Section 16-132 or 16-133.2.

11 When assessing payment for any amount due under subsection
12 (f), the System shall exclude salary increases resulting from
13 overload work, including summer school, when the school
14 district has certified to the System, and the System has
15 approved the certification, that (i) the overload work is for
16 the sole purpose of classroom instruction in excess of the
17 standard number of classes for a full-time teacher in a school
18 district during a school year and (ii) the salary increases are
19 equal to or less than the rate of pay for classroom instruction
20 computed on the teacher's current salary and work schedule.

21 When assessing payment for any amount due under subsection
22 (f), the System shall exclude a salary increase resulting from
23 a promotion (i) for which the employee is required to hold a
24 certificate or supervisory endorsement issued by the State
25 Teacher Certification Board that is a different certification
26 or supervisory endorsement than is required for the teacher's

1 previous position and (ii) to a position that has existed and
2 been filled by a member for no less than one complete academic
3 year and the salary increase from the promotion is an increase
4 that results in an amount no greater than the lesser of the
5 average salary paid for other similar positions in the district
6 requiring the same certification or the amount stipulated in
7 the collective bargaining agreement for a similar position
8 requiring the same certification.

9 When assessing payment for any amount due under subsection
10 (f), the System shall exclude any payment to the teacher from
11 the State of Illinois or the State Board of Education over
12 which the employer does not have discretion, notwithstanding
13 that the payment is included in the computation of final
14 average salary.

15 (h) When assessing payment for any amount due under
16 subsection (f), the System shall exclude any salary increase
17 described in subsection (g) of this Section given on or after
18 July 1, 2011 but before July 1, 2014 under a contract or
19 collective bargaining agreement entered into, amended, or
20 renewed on or after June 1, 2005 but before July 1, 2011.
21 Notwithstanding any other provision of this Section, any
22 payments made or salary increases given after June 30, 2014
23 shall be used in assessing payment for any amount due under
24 subsection (f) of this Section.

25 (i) The System shall prepare a report and file copies of
26 the report with the Governor and the General Assembly by

1 January 1, 2007 that contains all of the following information:

2 (1) The number of recalculations required by the
3 changes made to this Section by Public Act 94-1057 for each
4 employer.

5 (2) The dollar amount by which each employer's
6 contribution to the System was changed due to
7 recalculations required by Public Act 94-1057.

8 (3) The total amount the System received from each
9 employer as a result of the changes made to this Section by
10 Public Act 94-4.

11 (4) The increase in the required State contribution
12 resulting from the changes made to this Section by Public
13 Act 94-1057.

14 (j) For purposes of determining the required State
15 contribution to the System, the value of the System's assets
16 shall be equal to the actuarial value of the System's assets,
17 which shall be calculated as follows:

18 As of June 30, 2008, the actuarial value of the System's
19 assets shall be equal to the market value of the assets as of
20 that date. In determining the actuarial value of the System's
21 assets for fiscal years after June 30, 2008, any actuarial
22 gains or losses from investment return incurred in a fiscal
23 year shall be recognized in equal annual amounts over the
24 5-year period following that fiscal year.

25 (k) For purposes of determining the required State
26 contribution to the system for a particular year, the actuarial

1 value of assets shall be assumed to earn a rate of return equal
2 to the system's actuarially assumed rate of return.

3 (Source: P.A. 96-43, eff. 7-15-09; 96-1497, eff. 1-14-11;
4 96-1511, eff. 1-27-11; 96-1554, eff. 3-18-11; 97-694, eff.
5 6-18-12; 97-813, eff. 7-13-12; 98-674, eff. 6-30-14.)

6 Section 20. The Innovation Development and Economy Act is
7 amended by changing Section 33 as follows:

8 (50 ILCS 470/33)

9 Sec. 33. STAR Bonds School Improvement and Operations Trust
10 Fund.

11 (a) The STAR Bonds School Improvement and Operations Trust
12 Fund is created as a trust fund in the State treasury. Deposits
13 into the Trust Fund shall be made as provided under this
14 Section. Moneys in the Trust Fund shall be used by the
15 Department of Revenue only for the purpose of making payments
16 to school districts in educational service regions that include
17 or are adjacent to the STAR bond district. Moneys in the Trust
18 Fund are not subject to appropriation and shall be used solely
19 as provided in this Section. All deposits into the Trust Fund
20 shall be held in the Trust Fund by the State Treasurer as ex
21 officio custodian separate and apart from all public moneys or
22 funds of this State and shall be administered by the Department
23 exclusively for the purposes set forth in this Section. All
24 moneys in the Trust Fund shall be invested and reinvested by

1 the State Treasurer. All interest accruing from these
2 investments shall be deposited in the Trust Fund.

3 (b) Upon approval of a STAR bond district, the political
4 subdivision shall immediately transmit to the county clerk of
5 the county in which the district is located a certified copy of
6 the ordinance creating the district, a legal description of the
7 district, a map of the district, identification of the year
8 that the county clerk shall use for determining the total
9 initial equalized assessed value of the district consistent
10 with subsection (c), and a list of the parcel or tax
11 identification number of each parcel of property included in
12 the district.

13 (c) Upon approval of a STAR bond district, the county clerk
14 immediately thereafter shall determine (i) the most recently
15 ascertained equalized assessed value of each lot, block, tract,
16 or parcel of real property within the STAR bond district, from
17 which shall be deducted the homestead exemptions under Article
18 15 of the Property Tax Code, which value shall be the initial
19 equalized assessed value of each such piece of property, and
20 (ii) the total equalized assessed value of all taxable real
21 property within the district by adding together the most
22 recently ascertained equalized assessed value of each taxable
23 lot, block, tract, or parcel of real property within the
24 district, from which shall be deducted the homestead exemptions
25 under Article 15 of the Property Tax Code, and shall certify
26 that amount as the total initial equalized assessed value of

1 the taxable real property within the STAR bond district.

2 (d) In reference to any STAR bond district created within
3 any political subdivision, and in respect to which the county
4 clerk has certified the total initial equalized assessed value
5 of the property in the area, the political subdivision may
6 thereafter request the clerk in writing to adjust the initial
7 equalized value of all taxable real property within the STAR
8 bond district by deducting therefrom the exemptions under
9 Article 15 of the Property Tax Code applicable to each lot,
10 block, tract, or parcel of real property within the STAR bond
11 district. The county clerk shall immediately, after the written
12 request to adjust the total initial equalized value is
13 received, determine the total homestead exemptions in the STAR
14 bond district as provided under Article 15 of the Property Tax
15 Code by adding together the homestead exemptions provided by
16 said Article on each lot, block, tract, or parcel of real
17 property within the STAR bond district and then shall deduct
18 the total of said exemptions from the total initial equalized
19 assessed value. The county clerk shall then promptly certify
20 that amount as the total initial equalized assessed value as
21 adjusted of the taxable real property within the STAR bond
22 district.

23 (e) The county clerk or other person authorized by law
24 shall compute the tax rates for each taxing district with all
25 or a portion of its equalized assessed value located in the
26 STAR bond district. The rate per cent of tax determined shall

1 be extended to the current equalized assessed value of all
2 property in the district in the same manner as the rate per
3 cent of tax is extended to all other taxable property in the
4 taxing district.

5 (f) Beginning with the assessment year in which the first
6 destination user in the first STAR bond project in a STAR bond
7 district makes its first retail sales and for each assessment
8 year thereafter until final maturity of the last STAR bonds
9 issued in the district, the county clerk or other person
10 authorized by law shall determine the increase in equalized
11 assessed value of all real property within the STAR bond
12 district by subtracting the initial equalized assessed value of
13 all property in the district certified under subsection (c)
14 from the current equalized assessed value of all property in
15 the district. Each year, the property taxes arising from the
16 increase in equalized assessed value in the STAR bond district
17 shall be determined for each taxing district and shall be
18 certified to the county collector.

19 (g) Beginning with the year in which taxes are collected
20 based on the assessment year in which the first destination
21 user in the first STAR bond project in a STAR bond district
22 makes its first retail sales and for each year thereafter until
23 final maturity of the last STAR bonds issued in the district,
24 the county collector shall, within 30 days after receipt of
25 property taxes, transmit to the Department to be deposited into
26 the STAR Bonds School Improvement and Operations Trust Fund 15%

1 of property taxes attributable to the increase in equalized
2 assessed value within the STAR bond district from each taxing
3 district as certified in subsection (f).

4 (h) The Department shall pay to the regional superintendent
5 of schools whose educational service region includes Franklin
6 and Williamson Counties, for each year for which money is
7 remitted to the Department and paid into the STAR Bonds School
8 Improvement and Operations Trust Fund, the money in the Fund as
9 provided in this Section. The amount paid to each school
10 district shall be allocated proportionately, based on each
11 qualifying school district's fall enrollment for the
12 then-current school year, such that the school district with
13 the largest fall enrollment receives the largest proportionate
14 share of money paid out of the Fund or by any other method or
15 formula that the regional superintendent of schools deems fit,
16 equitable, and in the public interest. The regional
17 superintendent may allocate moneys to school districts that are
18 outside of his or her educational service region or to other
19 regional superintendents.

20 The Department shall determine the distributions under
21 this Section using its best judgment and information. The
22 Department shall be held harmless for the distributions made
23 under this Section and all distributions shall be final.

24 (i) In any year that an assessment appeal is filed, the
25 extension of taxes on any assessment so appealed shall not be
26 delayed. In the case of an assessment that is altered, any

1 taxes extended upon the unauthorized assessment or part thereof
2 shall be abated, or, if already paid, shall be refunded with
3 interest as provided in Section 23-20 of the Property Tax Code.
4 In the case of an assessment appeal, the county collector shall
5 notify the Department that an assessment appeal has been filed
6 and the amount of the tax that would have been deposited in the
7 STAR Bonds School Improvement and Operations Trust Fund. The
8 county collector shall hold that amount in a separate fund
9 until the appeal process is final. After the appeal process is
10 finalized, the county collector shall transmit to the
11 Department the amount of tax that remains, if any, after all
12 required refunds are made. The Department shall pay any amount
13 deposited into the Trust Fund under this Section in the same
14 proportion as determined for payments for that taxable year
15 under subsection (h).

16 (j) In any year that ad valorem taxes are allocated to the
17 STAR Bonds School Improvement and Operations Trust Fund, that
18 allocation shall not reduce or otherwise impact the school aid
19 provided to any school district under the general State school
20 aid formula provided for in Section 18-8.05 of the School Code
21 or the evidence-based funding formula provided for in Section
22 18-8.15 of the School Code.

23 (Source: P.A. 96-939, eff. 6-24-10.)

24 Section 25. The County Economic Development Project Area
25 Property Tax Allocation Act is amended by changing Section 7 as

1 follows:

2 (55 ILCS 85/7) (from Ch. 34, par. 7007)

3 Sec. 7. Creation of special tax allocation fund. If a
4 county has adopted property tax allocation financing by
5 ordinance for an economic development project area, the
6 Department has approved and certified the economic development
7 project area, and the county clerk has thereafter certified the
8 "total initial equalized value" of the taxable real property
9 within such economic development project area in the manner
10 provided in subsection (b) of Section 6 of this Act, each year
11 after the date of the certification by the county clerk of the
12 "initial equalized assessed value" until economic development
13 project costs and all county obligations financing economic
14 development project costs have been paid, the ad valorem taxes,
15 if any, arising from the levies upon the taxable real property
16 in the economic development project area by taxing districts
17 and tax rates determined in the manner provided in subsection
18 (b) of Section 6 of this Act shall be divided as follows:

19 (1) That portion of the taxes levied upon each taxable
20 lot, block, tract or parcel of real property which is
21 attributable to the lower of the current equalized assessed
22 value or the initial equalized assessed value of each such
23 taxable lot, block, tract, or parcel of real property
24 existing at the time property tax allocation financing was
25 adopted shall be allocated and when collected shall be paid

1 by the county collector to the respective affected taxing
2 districts in the manner required by the law in the absence
3 of the adoption of property tax allocation financing.

4 (2) That portion, if any, of those taxes which is
5 attributable to the increase in the current equalized
6 assessed valuation of each taxable lot, block, tract, or
7 parcel of real property in the economic development project
8 are, over and above the initial equalized assessed value of
9 each property existing at the time property tax allocation
10 financing was adopted shall be allocated to and when
11 collected shall be paid to the county treasurer, who shall
12 deposit those taxes into a special fund called the special
13 tax allocation fund of the county for the purpose of paying
14 economic development project costs and obligations
15 incurred in the payment thereof.

16 The county, by an ordinance adopting property tax
17 allocation financing, may pledge the funds in and to be
18 deposited in the special tax allocation fund for the payment of
19 obligations issued under this Act and for the payment of
20 economic development project costs. No part of the current
21 equalized assessed valuation of each property in the economic
22 development project area attributable to any increase above the
23 total initial equalized assessed value of such properties shall
24 be used in calculating the general State school aid formula,
25 provided for in Section 18-8 of the School Code, or the
26 evidence-based funding formula, provided for in Section

1 18-8.15 of the School Code, until such time as all economic
2 development projects costs have been paid as provided for in
3 this Section.

4 Whenever a county issues bonds for the purpose of financing
5 economic development project costs, the county may provide by
6 ordinance for the appointment of a trustee, which may be any
7 trust company within the State, and for the establishment of
8 the funds or accounts to be maintained by such trustee as the
9 county shall deem necessary to provide for the security and
10 payment of the bonds. If the county provides for the
11 appointment of a trustee, the trustee shall be considered the
12 assignee of any payments assigned by the county pursuant to the
13 ordinance and this Section. Any amounts paid to the trustee as
14 assignee shall be deposited in the funds or accounts
15 established pursuant to the trust agreement, and shall be held
16 by the trustee in trust for the benefit of the holders of the
17 bonds, and the holders shall have a lien on and a security
18 interest in those bonds or accounts so long as the bonds remain
19 outstanding and unpaid. Upon retirement of the bonds, the
20 trustee shall pay over any excess amounts held to the county
21 for deposit in the special tax allocation fund.

22 When the economic development project costs, including
23 without limitation all county obligations financing economic
24 development project costs incurred under this Act, have been
25 paid, all surplus funds then remaining in the special tax
26 allocation funds shall be distributed by being paid by the

1 county treasurer to the county collector, who shall immediately
2 thereafter pay those funds to the taxing districts having
3 taxable property in the economic development project area in
4 the same manner and proportion as the most recent distribution
5 by the county collector to those taxing districts of real
6 property taxes from real property in the economic development
7 project area.

8 Upon the payment of all economic development project costs,
9 retirement of obligations and the distribution of any excess
10 monies pursuant to this Section and not later than 23 years
11 from the date of adoption of the ordinance adopting property
12 tax allocation financing, the county shall adopt an ordinance
13 dissolving the special tax allocation fund for the economic
14 development project area and terminating the designation of the
15 economic development project area as an economic development
16 project area; however, in relation to one or more contiguous
17 parcels not exceeding a total area of 120 acres within which an
18 electric generating facility is intended to be constructed, and
19 with respect to which the owner of that proposed electric
20 generating facility has entered into a redevelopment agreement
21 with Grundy County on or before July 25, 2017, the ordinance of
22 the county required in this paragraph shall not dissolve the
23 special tax allocation fund for the existing economic
24 development project area and shall only terminate the
25 designation of the economic development project area as to
26 those portions of the economic development project area

1 excluding the area covered by the redevelopment agreement
2 between the owner of the proposed electric generating facility
3 and Grundy County; the county shall adopt an ordinance
4 dissolving the special tax allocation fund for the economic
5 development project area and terminating the designation of the
6 economic development project area as an economic development
7 project area with regard to the electric generating facility
8 property not later than 35 years from the date of adoption of
9 the ordinance adopting property tax allocation financing.
10 Thereafter the rates of the taxing districts shall be extended
11 and taxes levied, collected and distributed in the manner
12 applicable in the absence of the adoption of property tax
13 allocation financing.

14 Nothing in this Section shall be construed as relieving
15 property in economic development project areas from being
16 assessed as provided in the Property Tax Code or as relieving
17 owners of that property from paying a uniform rate of taxes, as
18 required by Section 4 of Article IX of the Illinois
19 Constitution of 1970.

20 (Source: P.A. 98-463, eff. 8-16-13; 99-513, eff. 6-30-16.)

21 Section 30. The County Economic Development Project Area
22 Tax Increment Allocation Act of 1991 is amended by changing
23 Section 50 as follows:

24 (55 ILCS 90/50) (from Ch. 34, par. 8050)

1 Sec. 50. Special tax allocation fund.

2 (a) If a county clerk has certified the "total initial
3 equalized assessed value" of the taxable real property within
4 an economic development project area in the manner provided in
5 Section 45, each year after the date of the certification by
6 the county clerk of the "total initial equalized assessed
7 value", until economic development project costs and all county
8 obligations financing economic development project costs have
9 been paid, the ad valorem taxes, if any, arising from the
10 levies upon the taxable real property in the economic
11 development project area by taxing districts and tax rates
12 determined in the manner provided in subsection (b) of Section
13 45 shall be divided as follows:

14 (1) That portion of the taxes levied upon each taxable
15 lot, block, tract, or parcel of real property that is
16 attributable to the lower of the current equalized assessed
17 value or the initial equalized assessed value of each
18 taxable lot, block, tract, or parcel of real property
19 existing at the time tax increment financing was adopted
20 shall be allocated to (and when collected shall be paid by
21 the county collector to) the respective affected taxing
22 districts in the manner required by law in the absence of
23 the adoption of tax increment allocation financing.

24 (2) That portion, if any, of the taxes that is
25 attributable to the increase in the current equalized
26 assessed valuation of each taxable lot, block, tract, or

1 parcel of real property in the economic development project
2 area, over and above the initial equalized assessed value
3 of each property existing at the time tax increment
4 financing was adopted, shall be allocated to (and when
5 collected shall be paid to) the county treasurer, who shall
6 deposit the taxes into a special fund (called the special
7 tax allocation fund of the county) for the purpose of
8 paying economic development project costs and obligations
9 incurred in the payment of those costs.

10 (b) The county, by an ordinance adopting tax increment
11 allocation financing, may pledge the monies in and to be
12 deposited into the special tax allocation fund for the payment
13 of obligations issued under this Act and for the payment of
14 economic development project costs. No part of the current
15 equalized assessed valuation of each property in the economic
16 development project area attributable to any increase above the
17 total initial equalized assessed value of those properties
18 shall be used in calculating the general State ~~school~~ aid
19 formula under Section 18-8 of the School Code or the
20 evidence-based funding formula under Section 18-8.15 of the
21 School Code until all economic development projects costs have
22 been paid as provided for in this Section.

23 (c) When the economic development projects costs,
24 including without limitation all county obligations financing
25 economic development project costs incurred under this Act,
26 have been paid, all surplus monies then remaining in the

1 special tax allocation fund shall be distributed by being paid
2 by the county treasurer to the county collector, who shall
3 immediately pay the monies to the taxing districts having
4 taxable property in the economic development project area in
5 the same manner and proportion as the most recent distribution
6 by the county collector to those taxing districts of real
7 property taxes from real property in the economic development
8 project area.

9 (d) Upon the payment of all economic development project
10 costs, retirement of obligations, and distribution of any
11 excess monies under this Section, the county shall adopt an
12 ordinance dissolving the special tax allocation fund for the
13 economic development project area and terminating the
14 designation of the economic development project area as an
15 economic development project area. Thereafter, the rates of the
16 taxing districts shall be extended and taxes shall be levied,
17 collected, and distributed in the manner applicable in the
18 absence of the adoption of tax increment allocation financing.

19 (e) Nothing in this Section shall be construed as relieving
20 property in the economic development project areas from being
21 assessed as provided in the Property Tax Code or as relieving
22 owners of that property from paying a uniform rate of taxes as
23 required by Section 4 of Article IX of the Illinois
24 Constitution.

25 (Source: P.A. 98-463, eff. 8-16-13.)

1 Section 35. The Illinois Municipal Code is amended by
2 changing Sections 11-74.4-3, 11-74.4-8, and 11-74.6-35 as
3 follows:

4 (65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)

5 Sec. 11-74.4-3. Definitions. The following terms, wherever
6 used or referred to in this Division 74.4 shall have the
7 following respective meanings, unless in any case a different
8 meaning clearly appears from the context.

9 (a) For any redevelopment project area that has been
10 designated pursuant to this Section by an ordinance adopted
11 prior to November 1, 1999 (the effective date of Public Act
12 91-478), "blighted area" shall have the meaning set forth in
13 this Section prior to that date.

14 On and after November 1, 1999, "blighted area" means any
15 improved or vacant area within the boundaries of a
16 redevelopment project area located within the territorial
17 limits of the municipality where:

18 (1) If improved, industrial, commercial, and
19 residential buildings or improvements are detrimental to
20 the public safety, health, or welfare because of a
21 combination of 5 or more of the following factors, each of
22 which is (i) present, with that presence documented, to a
23 meaningful extent so that a municipality may reasonably
24 find that the factor is clearly present within the intent
25 of the Act and (ii) reasonably distributed throughout the

1 improved part of the redevelopment project area:

2 (A) Dilapidation. An advanced state of disrepair
3 or neglect of necessary repairs to the primary
4 structural components of buildings or improvements in
5 such a combination that a documented building
6 condition analysis determines that major repair is
7 required or the defects are so serious and so extensive
8 that the buildings must be removed.

9 (B) Obsolescence. The condition or process of
10 falling into disuse. Structures have become ill-suited
11 for the original use.

12 (C) Deterioration. With respect to buildings,
13 defects including, but not limited to, major defects in
14 the secondary building components such as doors,
15 windows, porches, gutters and downspouts, and fascia.
16 With respect to surface improvements, that the
17 condition of roadways, alleys, curbs, gutters,
18 sidewalks, off-street parking, and surface storage
19 areas evidence deterioration, including, but not
20 limited to, surface cracking, crumbling, potholes,
21 depressions, loose paving material, and weeds
22 protruding through paved surfaces.

23 (D) Presence of structures below minimum code
24 standards. All structures that do not meet the
25 standards of zoning, subdivision, building, fire, and
26 other governmental codes applicable to property, but

1 not including housing and property maintenance codes.

2 (E) Illegal use of individual structures. The use
3 of structures in violation of applicable federal,
4 State, or local laws, exclusive of those applicable to
5 the presence of structures below minimum code
6 standards.

7 (F) Excessive vacancies. The presence of buildings
8 that are unoccupied or under-utilized and that
9 represent an adverse influence on the area because of
10 the frequency, extent, or duration of the vacancies.

11 (G) Lack of ventilation, light, or sanitary
12 facilities. The absence of adequate ventilation for
13 light or air circulation in spaces or rooms without
14 windows, or that require the removal of dust, odor,
15 gas, smoke, or other noxious airborne materials.
16 Inadequate natural light and ventilation means the
17 absence of skylights or windows for interior spaces or
18 rooms and improper window sizes and amounts by room
19 area to window area ratios. Inadequate sanitary
20 facilities refers to the absence or inadequacy of
21 garbage storage and enclosure, bathroom facilities,
22 hot water and kitchens, and structural inadequacies
23 preventing ingress and egress to and from all rooms and
24 units within a building.

25 (H) Inadequate utilities. Underground and overhead
26 utilities such as storm sewers and storm drainage,

1 sanitary sewers, water lines, and gas, telephone, and
2 electrical services that are shown to be inadequate.
3 Inadequate utilities are those that are: (i) of
4 insufficient capacity to serve the uses in the
5 redevelopment project area, (ii) deteriorated,
6 antiquated, obsolete, or in disrepair, or (iii)
7 lacking within the redevelopment project area.

8 (I) Excessive land coverage and overcrowding of
9 structures and community facilities. The
10 over-intensive use of property and the crowding of
11 buildings and accessory facilities onto a site.
12 Examples of problem conditions warranting the
13 designation of an area as one exhibiting excessive land
14 coverage are: (i) the presence of buildings either
15 improperly situated on parcels or located on parcels of
16 inadequate size and shape in relation to present-day
17 standards of development for health and safety and (ii)
18 the presence of multiple buildings on a single parcel.
19 For there to be a finding of excessive land coverage,
20 these parcels must exhibit one or more of the following
21 conditions: insufficient provision for light and air
22 within or around buildings, increased threat of spread
23 of fire due to the close proximity of buildings, lack
24 of adequate or proper access to a public right-of-way,
25 lack of reasonably required off-street parking, or
26 inadequate provision for loading and service.

1 (J) Deleterious land use or layout. The existence
2 of incompatible land-use relationships, buildings
3 occupied by inappropriate mixed-uses, or uses
4 considered to be noxious, offensive, or unsuitable for
5 the surrounding area.

6 (K) Environmental clean-up. The proposed
7 redevelopment project area has incurred Illinois
8 Environmental Protection Agency or United States
9 Environmental Protection Agency remediation costs for,
10 or a study conducted by an independent consultant
11 recognized as having expertise in environmental
12 remediation has determined a need for, the clean-up of
13 hazardous waste, hazardous substances, or underground
14 storage tanks required by State or federal law,
15 provided that the remediation costs constitute a
16 material impediment to the development or
17 redevelopment of the redevelopment project area.

18 (L) Lack of community planning. The proposed
19 redevelopment project area was developed prior to or
20 without the benefit or guidance of a community plan.
21 This means that the development occurred prior to the
22 adoption by the municipality of a comprehensive or
23 other community plan or that the plan was not followed
24 at the time of the area's development. This factor must
25 be documented by evidence of adverse or incompatible
26 land-use relationships, inadequate street layout,

1 improper subdivision, parcels of inadequate shape and
2 size to meet contemporary development standards, or
3 other evidence demonstrating an absence of effective
4 community planning.

5 (M) The total equalized assessed value of the
6 proposed redevelopment project area has declined for 3
7 of the last 5 calendar years prior to the year in which
8 the redevelopment project area is designated or is
9 increasing at an annual rate that is less than the
10 balance of the municipality for 3 of the last 5
11 calendar years for which information is available or is
12 increasing at an annual rate that is less than the
13 Consumer Price Index for All Urban Consumers published
14 by the United States Department of Labor or successor
15 agency for 3 of the last 5 calendar years prior to the
16 year in which the redevelopment project area is
17 designated.

18 (2) If vacant, the sound growth of the redevelopment
19 project area is impaired by a combination of 2 or more of
20 the following factors, each of which is (i) present, with
21 that presence documented, to a meaningful extent so that a
22 municipality may reasonably find that the factor is clearly
23 present within the intent of the Act and (ii) reasonably
24 distributed throughout the vacant part of the
25 redevelopment project area to which it pertains:

26 (A) Obsolete platting of vacant land that results

1 in parcels of limited or narrow size or configurations
2 of parcels of irregular size or shape that would be
3 difficult to develop on a planned basis and in a manner
4 compatible with contemporary standards and
5 requirements, or platting that failed to create
6 rights-of-ways for streets or alleys or that created
7 inadequate right-of-way widths for streets, alleys, or
8 other public rights-of-way or that omitted easements
9 for public utilities.

10 (B) Diversity of ownership of parcels of vacant
11 land sufficient in number to retard or impede the
12 ability to assemble the land for development.

13 (C) Tax and special assessment delinquencies exist
14 or the property has been the subject of tax sales under
15 the Property Tax Code within the last 5 years.

16 (D) Deterioration of structures or site
17 improvements in neighboring areas adjacent to the
18 vacant land.

19 (E) The area has incurred Illinois Environmental
20 Protection Agency or United States Environmental
21 Protection Agency remediation costs for, or a study
22 conducted by an independent consultant recognized as
23 having expertise in environmental remediation has
24 determined a need for, the clean-up of hazardous waste,
25 hazardous substances, or underground storage tanks
26 required by State or federal law, provided that the

1 remediation costs constitute a material impediment to
2 the development or redevelopment of the redevelopment
3 project area.

4 (F) The total equalized assessed value of the
5 proposed redevelopment project area has declined for 3
6 of the last 5 calendar years prior to the year in which
7 the redevelopment project area is designated or is
8 increasing at an annual rate that is less than the
9 balance of the municipality for 3 of the last 5
10 calendar years for which information is available or is
11 increasing at an annual rate that is less than the
12 Consumer Price Index for All Urban Consumers published
13 by the United States Department of Labor or successor
14 agency for 3 of the last 5 calendar years prior to the
15 year in which the redevelopment project area is
16 designated.

17 (3) If vacant, the sound growth of the redevelopment
18 project area is impaired by one of the following factors
19 that (i) is present, with that presence documented, to a
20 meaningful extent so that a municipality may reasonably
21 find that the factor is clearly present within the intent
22 of the Act and (ii) is reasonably distributed throughout
23 the vacant part of the redevelopment project area to which
24 it pertains:

25 (A) The area consists of one or more unused
26 quarries, mines, or strip mine ponds.

1 (B) The area consists of unused rail yards, rail
2 tracks, or railroad rights-of-way.

3 (C) The area, prior to its designation, is subject
4 to (i) chronic flooding that adversely impacts on real
5 property in the area as certified by a registered
6 professional engineer or appropriate regulatory agency
7 or (ii) surface water that discharges from all or a
8 part of the area and contributes to flooding within the
9 same watershed, but only if the redevelopment project
10 provides for facilities or improvements to contribute
11 to the alleviation of all or part of the flooding.

12 (D) The area consists of an unused or illegal
13 disposal site containing earth, stone, building
14 debris, or similar materials that were removed from
15 construction, demolition, excavation, or dredge sites.

16 (E) Prior to November 1, 1999, the area is not less
17 than 50 nor more than 100 acres and 75% of which is
18 vacant (notwithstanding that the area has been used for
19 commercial agricultural purposes within 5 years prior
20 to the designation of the redevelopment project area),
21 and the area meets at least one of the factors itemized
22 in paragraph (1) of this subsection, the area has been
23 designated as a town or village center by ordinance or
24 comprehensive plan adopted prior to January 1, 1982,
25 and the area has not been developed for that designated
26 purpose.

1 (F) The area qualified as a blighted improved area
2 immediately prior to becoming vacant, unless there has
3 been substantial private investment in the immediately
4 surrounding area.

5 (b) For any redevelopment project area that has been
6 designated pursuant to this Section by an ordinance adopted
7 prior to November 1, 1999 (the effective date of Public Act
8 91-478), "conservation area" shall have the meaning set forth
9 in this Section prior to that date.

10 On and after November 1, 1999, "conservation area" means
11 any improved area within the boundaries of a redevelopment
12 project area located within the territorial limits of the
13 municipality in which 50% or more of the structures in the area
14 have an age of 35 years or more. Such an area is not yet a
15 blighted area but because of a combination of 3 or more of the
16 following factors is detrimental to the public safety, health,
17 morals or welfare and such an area may become a blighted area:

18 (1) Dilapidation. An advanced state of disrepair or
19 neglect of necessary repairs to the primary structural
20 components of buildings or improvements in such a
21 combination that a documented building condition analysis
22 determines that major repair is required or the defects are
23 so serious and so extensive that the buildings must be
24 removed.

25 (2) Obsolescence. The condition or process of falling
26 into disuse. Structures have become ill-suited for the

1 original use.

2 (3) Deterioration. With respect to buildings, defects
3 including, but not limited to, major defects in the
4 secondary building components such as doors, windows,
5 porches, gutters and downspouts, and fascia. With respect
6 to surface improvements, that the condition of roadways,
7 alleys, curbs, gutters, sidewalks, off-street parking, and
8 surface storage areas evidence deterioration, including,
9 but not limited to, surface cracking, crumbling, potholes,
10 depressions, loose paving material, and weeds protruding
11 through paved surfaces.

12 (4) Presence of structures below minimum code
13 standards. All structures that do not meet the standards of
14 zoning, subdivision, building, fire, and other
15 governmental codes applicable to property, but not
16 including housing and property maintenance codes.

17 (5) Illegal use of individual structures. The use of
18 structures in violation of applicable federal, State, or
19 local laws, exclusive of those applicable to the presence
20 of structures below minimum code standards.

21 (6) Excessive vacancies. The presence of buildings
22 that are unoccupied or under-utilized and that represent an
23 adverse influence on the area because of the frequency,
24 extent, or duration of the vacancies.

25 (7) Lack of ventilation, light, or sanitary
26 facilities. The absence of adequate ventilation for light

1 or air circulation in spaces or rooms without windows, or
2 that require the removal of dust, odor, gas, smoke, or
3 other noxious airborne materials. Inadequate natural light
4 and ventilation means the absence or inadequacy of
5 skylights or windows for interior spaces or rooms and
6 improper window sizes and amounts by room area to window
7 area ratios. Inadequate sanitary facilities refers to the
8 absence or inadequacy of garbage storage and enclosure,
9 bathroom facilities, hot water and kitchens, and
10 structural inadequacies preventing ingress and egress to
11 and from all rooms and units within a building.

12 (8) Inadequate utilities. Underground and overhead
13 utilities such as storm sewers and storm drainage, sanitary
14 sewers, water lines, and gas, telephone, and electrical
15 services that are shown to be inadequate. Inadequate
16 utilities are those that are: (i) of insufficient capacity
17 to serve the uses in the redevelopment project area, (ii)
18 deteriorated, antiquated, obsolete, or in disrepair, or
19 (iii) lacking within the redevelopment project area.

20 (9) Excessive land coverage and overcrowding of
21 structures and community facilities. The over-intensive
22 use of property and the crowding of buildings and accessory
23 facilities onto a site. Examples of problem conditions
24 warranting the designation of an area as one exhibiting
25 excessive land coverage are: the presence of buildings
26 either improperly situated on parcels or located on parcels

1 of inadequate size and shape in relation to present-day
2 standards of development for health and safety and the
3 presence of multiple buildings on a single parcel. For
4 there to be a finding of excessive land coverage, these
5 parcels must exhibit one or more of the following
6 conditions: insufficient provision for light and air
7 within or around buildings, increased threat of spread of
8 fire due to the close proximity of buildings, lack of
9 adequate or proper access to a public right-of-way, lack of
10 reasonably required off-street parking, or inadequate
11 provision for loading and service.

12 (10) Deleterious land use or layout. The existence of
13 incompatible land-use relationships, buildings occupied by
14 inappropriate mixed-uses, or uses considered to be
15 noxious, offensive, or unsuitable for the surrounding
16 area.

17 (11) Lack of community planning. The proposed
18 redevelopment project area was developed prior to or
19 without the benefit or guidance of a community plan. This
20 means that the development occurred prior to the adoption
21 by the municipality of a comprehensive or other community
22 plan or that the plan was not followed at the time of the
23 area's development. This factor must be documented by
24 evidence of adverse or incompatible land-use
25 relationships, inadequate street layout, improper
26 subdivision, parcels of inadequate shape and size to meet

1 contemporary development standards, or other evidence
2 demonstrating an absence of effective community planning.

3 (12) The area has incurred Illinois Environmental
4 Protection Agency or United States Environmental
5 Protection Agency remediation costs for, or a study
6 conducted by an independent consultant recognized as
7 having expertise in environmental remediation has
8 determined a need for, the clean-up of hazardous waste,
9 hazardous substances, or underground storage tanks
10 required by State or federal law, provided that the
11 remediation costs constitute a material impediment to the
12 development or redevelopment of the redevelopment project
13 area.

14 (13) The total equalized assessed value of the proposed
15 redevelopment project area has declined for 3 of the last 5
16 calendar years for which information is available or is
17 increasing at an annual rate that is less than the balance
18 of the municipality for 3 of the last 5 calendar years for
19 which information is available or is increasing at an
20 annual rate that is less than the Consumer Price Index for
21 All Urban Consumers published by the United States
22 Department of Labor or successor agency for 3 of the last 5
23 calendar years for which information is available.

24 (c) "Industrial park" means an area in a blighted or
25 conservation area suitable for use by any manufacturing,
26 industrial, research or transportation enterprise, of

1 facilities to include but not be limited to factories, mills,
2 processing plants, assembly plants, packing plants,
3 fabricating plants, industrial distribution centers,
4 warehouses, repair overhaul or service facilities, freight
5 terminals, research facilities, test facilities or railroad
6 facilities.

7 (d) "Industrial park conservation area" means an area
8 within the boundaries of a redevelopment project area located
9 within the territorial limits of a municipality that is a labor
10 surplus municipality or within 1 1/2 miles of the territorial
11 limits of a municipality that is a labor surplus municipality
12 if the area is annexed to the municipality; which area is zoned
13 as industrial no later than at the time the municipality by
14 ordinance designates the redevelopment project area, and which
15 area includes both vacant land suitable for use as an
16 industrial park and a blighted area or conservation area
17 contiguous to such vacant land.

18 (e) "Labor surplus municipality" means a municipality in
19 which, at any time during the 6 months before the municipality
20 by ordinance designates an industrial park conservation area,
21 the unemployment rate was over 6% and was also 100% or more of
22 the national average unemployment rate for that same time as
23 published in the United States Department of Labor Bureau of
24 Labor Statistics publication entitled "The Employment
25 Situation" or its successor publication. For the purpose of
26 this subsection, if unemployment rate statistics for the

1 municipality are not available, the unemployment rate in the
2 municipality shall be deemed to be the same as the unemployment
3 rate in the principal county in which the municipality is
4 located.

5 (f) "Municipality" shall mean a city, village,
6 incorporated town, or a township that is located in the
7 unincorporated portion of a county with 3 million or more
8 inhabitants, if the county adopted an ordinance that approved
9 the township's redevelopment plan.

10 (g) "Initial Sales Tax Amounts" means the amount of taxes
11 paid under the Retailers' Occupation Tax Act, Use Tax Act,
12 Service Use Tax Act, the Service Occupation Tax Act, the
13 Municipal Retailers' Occupation Tax Act, and the Municipal
14 Service Occupation Tax Act by retailers and servicemen on
15 transactions at places located in a State Sales Tax Boundary
16 during the calendar year 1985.

17 (g-1) "Revised Initial Sales Tax Amounts" means the amount
18 of taxes paid under the Retailers' Occupation Tax Act, Use Tax
19 Act, Service Use Tax Act, the Service Occupation Tax Act, the
20 Municipal Retailers' Occupation Tax Act, and the Municipal
21 Service Occupation Tax Act by retailers and servicemen on
22 transactions at places located within the State Sales Tax
23 Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

24 (h) "Municipal Sales Tax Increment" means an amount equal
25 to the increase in the aggregate amount of taxes paid to a
26 municipality from the Local Government Tax Fund arising from

1 sales by retailers and servicemen within the redevelopment
2 project area or State Sales Tax Boundary, as the case may be,
3 for as long as the redevelopment project area or State Sales
4 Tax Boundary, as the case may be, exist over and above the
5 aggregate amount of taxes as certified by the Illinois
6 Department of Revenue and paid under the Municipal Retailers'
7 Occupation Tax Act and the Municipal Service Occupation Tax Act
8 by retailers and servicemen, on transactions at places of
9 business located in the redevelopment project area or State
10 Sales Tax Boundary, as the case may be, during the base year
11 which shall be the calendar year immediately prior to the year
12 in which the municipality adopted tax increment allocation
13 financing. For purposes of computing the aggregate amount of
14 such taxes for base years occurring prior to 1985, the
15 Department of Revenue shall determine the Initial Sales Tax
16 Amounts for such taxes and deduct therefrom an amount equal to
17 4% of the aggregate amount of taxes per year for each year the
18 base year is prior to 1985, but not to exceed a total deduction
19 of 12%. The amount so determined shall be known as the
20 "Adjusted Initial Sales Tax Amounts". For purposes of
21 determining the Municipal Sales Tax Increment, the Department
22 of Revenue shall for each period subtract from the amount paid
23 to the municipality from the Local Government Tax Fund arising
24 from sales by retailers and servicemen on transactions located
25 in the redevelopment project area or the State Sales Tax
26 Boundary, as the case may be, the certified Initial Sales Tax

1 Amounts, the Adjusted Initial Sales Tax Amounts or the Revised
2 Initial Sales Tax Amounts for the Municipal Retailers'
3 Occupation Tax Act and the Municipal Service Occupation Tax
4 Act. For the State Fiscal Year 1989, this calculation shall be
5 made by utilizing the calendar year 1987 to determine the tax
6 amounts received. For the State Fiscal Year 1990, this
7 calculation shall be made by utilizing the period from January
8 1, 1988, until September 30, 1988, to determine the tax amounts
9 received from retailers and servicemen pursuant to the
10 Municipal Retailers' Occupation Tax and the Municipal Service
11 Occupation Tax Act, which shall have deducted therefrom
12 nine-twelfths of the certified Initial Sales Tax Amounts, the
13 Adjusted Initial Sales Tax Amounts or the Revised Initial Sales
14 Tax Amounts as appropriate. For the State Fiscal Year 1991,
15 this calculation shall be made by utilizing the period from
16 October 1, 1988, to June 30, 1989, to determine the tax amounts
17 received from retailers and servicemen pursuant to the
18 Municipal Retailers' Occupation Tax and the Municipal Service
19 Occupation Tax Act which shall have deducted therefrom
20 nine-twelfths of the certified Initial Sales Tax Amounts,
21 Adjusted Initial Sales Tax Amounts or the Revised Initial Sales
22 Tax Amounts as appropriate. For every State Fiscal Year
23 thereafter, the applicable period shall be the 12 months
24 beginning July 1 and ending June 30 to determine the tax
25 amounts received which shall have deducted therefrom the
26 certified Initial Sales Tax Amounts, the Adjusted Initial Sales

1 Tax Amounts or the Revised Initial Sales Tax Amounts, as the
2 case may be.

3 (i) "Net State Sales Tax Increment" means the sum of the
4 following: (a) 80% of the first \$100,000 of State Sales Tax
5 Increment annually generated within a State Sales Tax Boundary;
6 (b) 60% of the amount in excess of \$100,000 but not exceeding
7 \$500,000 of State Sales Tax Increment annually generated within
8 a State Sales Tax Boundary; and (c) 40% of all amounts in
9 excess of \$500,000 of State Sales Tax Increment annually
10 generated within a State Sales Tax Boundary. If, however, a
11 municipality established a tax increment financing district in
12 a county with a population in excess of 3,000,000 before
13 January 1, 1986, and the municipality entered into a contract
14 or issued bonds after January 1, 1986, but before December 31,
15 1986, to finance redevelopment project costs within a State
16 Sales Tax Boundary, then the Net State Sales Tax Increment
17 means, for the fiscal years beginning July 1, 1990, and July 1,
18 1991, 100% of the State Sales Tax Increment annually generated
19 within a State Sales Tax Boundary; and notwithstanding any
20 other provision of this Act, for those fiscal years the
21 Department of Revenue shall distribute to those municipalities
22 100% of their Net State Sales Tax Increment before any
23 distribution to any other municipality and regardless of
24 whether or not those other municipalities will receive 100% of
25 their Net State Sales Tax Increment. For Fiscal Year 1999, and
26 every year thereafter until the year 2007, for any municipality

1 that has not entered into a contract or has not issued bonds
2 prior to June 1, 1988 to finance redevelopment project costs
3 within a State Sales Tax Boundary, the Net State Sales Tax
4 Increment shall be calculated as follows: By multiplying the
5 Net State Sales Tax Increment by 90% in the State Fiscal Year
6 1999; 80% in the State Fiscal Year 2000; 70% in the State
7 Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the
8 State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30%
9 in the State Fiscal Year 2005; 20% in the State Fiscal Year
10 2006; and 10% in the State Fiscal Year 2007. No payment shall
11 be made for State Fiscal Year 2008 and thereafter.

12 Municipalities that issued bonds in connection with a
13 redevelopment project in a redevelopment project area within
14 the State Sales Tax Boundary prior to July 29, 1991, or that
15 entered into contracts in connection with a redevelopment
16 project in a redevelopment project area before June 1, 1988,
17 shall continue to receive their proportional share of the
18 Illinois Tax Increment Fund distribution until the date on
19 which the redevelopment project is completed or terminated. If,
20 however, a municipality that issued bonds in connection with a
21 redevelopment project in a redevelopment project area within
22 the State Sales Tax Boundary prior to July 29, 1991 retires the
23 bonds prior to June 30, 2007 or a municipality that entered
24 into contracts in connection with a redevelopment project in a
25 redevelopment project area before June 1, 1988 completes the
26 contracts prior to June 30, 2007, then so long as the

1 redevelopment project is not completed or is not terminated,
2 the Net State Sales Tax Increment shall be calculated,
3 beginning on the date on which the bonds are retired or the
4 contracts are completed, as follows: By multiplying the Net
5 State Sales Tax Increment by 60% in the State Fiscal Year 2002;
6 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year
7 2004; 30% in the State Fiscal Year 2005; 20% in the State
8 Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No
9 payment shall be made for State Fiscal Year 2008 and
10 thereafter. Refunding of any bonds issued prior to July 29,
11 1991, shall not alter the Net State Sales Tax Increment.

12 (j) "State Utility Tax Increment Amount" means an amount
13 equal to the aggregate increase in State electric and gas tax
14 charges imposed on owners and tenants, other than residential
15 customers, of properties located within the redevelopment
16 project area under Section 9-222 of the Public Utilities Act,
17 over and above the aggregate of such charges as certified by
18 the Department of Revenue and paid by owners and tenants, other
19 than residential customers, of properties within the
20 redevelopment project area during the base year, which shall be
21 the calendar year immediately prior to the year of the adoption
22 of the ordinance authorizing tax increment allocation
23 financing.

24 (k) "Net State Utility Tax Increment" means the sum of the
25 following: (a) 80% of the first \$100,000 of State Utility Tax
26 Increment annually generated by a redevelopment project area;

1 (b) 60% of the amount in excess of \$100,000 but not exceeding
2 \$500,000 of the State Utility Tax Increment annually generated
3 by a redevelopment project area; and (c) 40% of all amounts in
4 excess of \$500,000 of State Utility Tax Increment annually
5 generated by a redevelopment project area. For the State Fiscal
6 Year 1999, and every year thereafter until the year 2007, for
7 any municipality that has not entered into a contract or has
8 not issued bonds prior to June 1, 1988 to finance redevelopment
9 project costs within a redevelopment project area, the Net
10 State Utility Tax Increment shall be calculated as follows: By
11 multiplying the Net State Utility Tax Increment by 90% in the
12 State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70%
13 in the State Fiscal Year 2001; 60% in the State Fiscal Year
14 2002; 50% in the State Fiscal Year 2003; 40% in the State
15 Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the
16 State Fiscal Year 2006; and 10% in the State Fiscal Year 2007.
17 No payment shall be made for the State Fiscal Year 2008 and
18 thereafter.

19 Municipalities that issue bonds in connection with the
20 redevelopment project during the period from June 1, 1988 until
21 3 years after the effective date of this Amendatory Act of 1988
22 shall receive the Net State Utility Tax Increment, subject to
23 appropriation, for 15 State Fiscal Years after the issuance of
24 such bonds. For the 16th through the 20th State Fiscal Years
25 after issuance of the bonds, the Net State Utility Tax
26 Increment shall be calculated as follows: By multiplying the

1 Net State Utility Tax Increment by 90% in year 16; 80% in year
2 17; 70% in year 18; 60% in year 19; and 50% in year 20.
3 Refunding of any bonds issued prior to June 1, 1988, shall not
4 alter the revised Net State Utility Tax Increment payments set
5 forth above.

6 (l) "Obligations" mean bonds, loans, debentures, notes,
7 special certificates or other evidence of indebtedness issued
8 by the municipality to carry out a redevelopment project or to
9 refund outstanding obligations.

10 (m) "Payment in lieu of taxes" means those estimated tax
11 revenues from real property in a redevelopment project area
12 derived from real property that has been acquired by a
13 municipality which according to the redevelopment project or
14 plan is to be used for a private use which taxing districts
15 would have received had a municipality not acquired the real
16 property and adopted tax increment allocation financing and
17 which would result from levies made after the time of the
18 adoption of tax increment allocation financing to the time the
19 current equalized value of real property in the redevelopment
20 project area exceeds the total initial equalized value of real
21 property in said area.

22 (n) "Redevelopment plan" means the comprehensive program
23 of the municipality for development or redevelopment intended
24 by the payment of redevelopment project costs to reduce or
25 eliminate those conditions the existence of which qualified the
26 redevelopment project area as a "blighted area" or

1 "conservation area" or combination thereof or "industrial park
2 conservation area," and thereby to enhance the tax bases of the
3 taxing districts which extend into the redevelopment project
4 area, provided that, with respect to redevelopment project
5 areas described in subsections (p-1) and (p-2), "redevelopment
6 plan" means the comprehensive program of the affected
7 municipality for the development of qualifying transit
8 facilities. On and after November 1, 1999 (the effective date
9 of Public Act 91-478), no redevelopment plan may be approved or
10 amended that includes the development of vacant land (i) with a
11 golf course and related clubhouse and other facilities or (ii)
12 designated by federal, State, county, or municipal government
13 as public land for outdoor recreational activities or for
14 nature preserves and used for that purpose within 5 years prior
15 to the adoption of the redevelopment plan. For the purpose of
16 this subsection, "recreational activities" is limited to mean
17 camping and hunting. Each redevelopment plan shall set forth in
18 writing the program to be undertaken to accomplish the
19 objectives and shall include but not be limited to:

20 (A) an itemized list of estimated redevelopment
21 project costs;

22 (B) evidence indicating that the redevelopment project
23 area on the whole has not been subject to growth and
24 development through investment by private enterprise,
25 provided that such evidence shall not be required for any
26 redevelopment project area located within a transit

1 facility improvement area established pursuant to Section
2 11-74.4-3.3;

3 (C) an assessment of any financial impact of the
4 redevelopment project area on or any increased demand for
5 services from any taxing district affected by the plan and
6 any program to address such financial impact or increased
7 demand;

8 (D) the sources of funds to pay costs;

9 (E) the nature and term of the obligations to be
10 issued;

11 (F) the most recent equalized assessed valuation of the
12 redevelopment project area;

13 (G) an estimate as to the equalized assessed valuation
14 after redevelopment and the general land uses to apply in
15 the redevelopment project area;

16 (H) a commitment to fair employment practices and an
17 affirmative action plan;

18 (I) if it concerns an industrial park conservation
19 area, the plan shall also include a general description of
20 any proposed developer, user and tenant of any property, a
21 description of the type, structure and general character of
22 the facilities to be developed, a description of the type,
23 class and number of new employees to be employed in the
24 operation of the facilities to be developed; and

25 (J) if property is to be annexed to the municipality,
26 the plan shall include the terms of the annexation

1 agreement.

2 The provisions of items (B) and (C) of this subsection (n)
3 shall not apply to a municipality that before March 14, 1994
4 (the effective date of Public Act 88-537) had fixed, either by
5 its corporate authorities or by a commission designated under
6 subsection (k) of Section 11-74.4-4, a time and place for a
7 public hearing as required by subsection (a) of Section
8 11-74.4-5. No redevelopment plan shall be adopted unless a
9 municipality complies with all of the following requirements:

10 (1) The municipality finds that the redevelopment
11 project area on the whole has not been subject to growth
12 and development through investment by private enterprise
13 and would not reasonably be anticipated to be developed
14 without the adoption of the redevelopment plan, provided,
15 however, that such a finding shall not be required with
16 respect to any redevelopment project area located within a
17 transit facility improvement area established pursuant to
18 Section 11-74.4-3.3.

19 (2) The municipality finds that the redevelopment plan
20 and project conform to the comprehensive plan for the
21 development of the municipality as a whole, or, for
22 municipalities with a population of 100,000 or more,
23 regardless of when the redevelopment plan and project was
24 adopted, the redevelopment plan and project either: (i)
25 conforms to the strategic economic development or
26 redevelopment plan issued by the designated planning

1 authority of the municipality, or (ii) includes land uses
2 that have been approved by the planning commission of the
3 municipality.

4 (3) The redevelopment plan establishes the estimated
5 dates of completion of the redevelopment project and
6 retirement of obligations issued to finance redevelopment
7 project costs. Those dates may not be later than the dates
8 set forth under Section 11-74.4-3.5.

9 A municipality may by municipal ordinance amend an
10 existing redevelopment plan to conform to this paragraph
11 (3) as amended by Public Act 91-478, which municipal
12 ordinance may be adopted without further hearing or notice
13 and without complying with the procedures provided in this
14 Act pertaining to an amendment to or the initial approval
15 of a redevelopment plan and project and designation of a
16 redevelopment project area.

17 (3.5) The municipality finds, in the case of an
18 industrial park conservation area, also that the
19 municipality is a labor surplus municipality and that the
20 implementation of the redevelopment plan will reduce
21 unemployment, create new jobs and by the provision of new
22 facilities enhance the tax base of the taxing districts
23 that extend into the redevelopment project area.

24 (4) If any incremental revenues are being utilized
25 under Section 8(a)(1) or 8(a)(2) of this Act in
26 redevelopment project areas approved by ordinance after

1 January 1, 1986, the municipality finds: (a) that the
2 redevelopment project area would not reasonably be
3 developed without the use of such incremental revenues, and
4 (b) that such incremental revenues will be exclusively
5 utilized for the development of the redevelopment project
6 area.

7 (5) If: (a) the redevelopment plan will not result in
8 displacement of residents from 10 or more inhabited
9 residential units, and the municipality certifies in the
10 plan that such displacement will not result from the plan;
11 or (b) the redevelopment plan is for a redevelopment
12 project area located within a transit facility improvement
13 area established pursuant to Section 11-74.4-3.3, and the
14 applicable project is subject to the process for evaluation
15 of environmental effects under the National Environmental
16 Policy Act of 1969, 42 U.S.C. § 4321 et seq., then a
17 housing impact study need not be performed. If, however,
18 the redevelopment plan would result in the displacement of
19 residents from 10 or more inhabited residential units, or
20 if the redevelopment project area contains 75 or more
21 inhabited residential units and no certification is made,
22 then the municipality shall prepare, as part of the
23 separate feasibility report required by subsection (a) of
24 Section 11-74.4-5, a housing impact study.

25 Part I of the housing impact study shall include (i)
26 data as to whether the residential units are single family

1 or multi-family units, (ii) the number and type of rooms
2 within the units, if that information is available, (iii)
3 whether the units are inhabited or uninhabited, as
4 determined not less than 45 days before the date that the
5 ordinance or resolution required by subsection (a) of
6 Section 11-74.4-5 is passed, and (iv) data as to the racial
7 and ethnic composition of the residents in the inhabited
8 residential units. The data requirement as to the racial
9 and ethnic composition of the residents in the inhabited
10 residential units shall be deemed to be fully satisfied by
11 data from the most recent federal census.

12 Part II of the housing impact study shall identify the
13 inhabited residential units in the proposed redevelopment
14 project area that are to be or may be removed. If inhabited
15 residential units are to be removed, then the housing
16 impact study shall identify (i) the number and location of
17 those units that will or may be removed, (ii) the
18 municipality's plans for relocation assistance for those
19 residents in the proposed redevelopment project area whose
20 residences are to be removed, (iii) the availability of
21 replacement housing for those residents whose residences
22 are to be removed, and shall identify the type, location,
23 and cost of the housing, and (iv) the type and extent of
24 relocation assistance to be provided.

25 (6) On and after November 1, 1999, the housing impact
26 study required by paragraph (5) shall be incorporated in

1 the redevelopment plan for the redevelopment project area.

2 (7) On and after November 1, 1999, no redevelopment
3 plan shall be adopted, nor an existing plan amended, nor
4 shall residential housing that is occupied by households of
5 low-income and very low-income persons in currently
6 existing redevelopment project areas be removed after
7 November 1, 1999 unless the redevelopment plan provides,
8 with respect to inhabited housing units that are to be
9 removed for households of low-income and very low-income
10 persons, affordable housing and relocation assistance not
11 less than that which would be provided under the federal
12 Uniform Relocation Assistance and Real Property
13 Acquisition Policies Act of 1970 and the regulations under
14 that Act, including the eligibility criteria. Affordable
15 housing may be either existing or newly constructed
16 housing. For purposes of this paragraph (7), "low-income
17 households", "very low-income households", and "affordable
18 housing" have the meanings set forth in the Illinois
19 Affordable Housing Act. The municipality shall make a good
20 faith effort to ensure that this affordable housing is
21 located in or near the redevelopment project area within
22 the municipality.

23 (8) On and after November 1, 1999, if, after the
24 adoption of the redevelopment plan for the redevelopment
25 project area, any municipality desires to amend its
26 redevelopment plan to remove more inhabited residential

1 units than specified in its original redevelopment plan,
2 that change shall be made in accordance with the procedures
3 in subsection (c) of Section 11-74.4-5.

4 (9) For redevelopment project areas designated prior
5 to November 1, 1999, the redevelopment plan may be amended
6 without further joint review board meeting or hearing,
7 provided that the municipality shall give notice of any
8 such changes by mail to each affected taxing district and
9 registrant on the interested party registry, to authorize
10 the municipality to expend tax increment revenues for
11 redevelopment project costs defined by paragraphs (5) and
12 (7.5), subparagraphs (E) and (F) of paragraph (11), and
13 paragraph (11.5) of subsection (q) of Section 11-74.4-3, so
14 long as the changes do not increase the total estimated
15 redevelopment project costs set out in the redevelopment
16 plan by more than 5% after adjustment for inflation from
17 the date the plan was adopted.

18 (o) "Redevelopment project" means any public and private
19 development project in furtherance of the objectives of a
20 redevelopment plan. On and after November 1, 1999 (the
21 effective date of Public Act 91-478), no redevelopment plan may
22 be approved or amended that includes the development of vacant
23 land (i) with a golf course and related clubhouse and other
24 facilities or (ii) designated by federal, State, county, or
25 municipal government as public land for outdoor recreational
26 activities or for nature preserves and used for that purpose

1 within 5 years prior to the adoption of the redevelopment plan.
2 For the purpose of this subsection, "recreational activities"
3 is limited to mean camping and hunting.

4 (p) "Redevelopment project area" means an area designated
5 by the municipality, which is not less in the aggregate than 1
6 1/2 acres and in respect to which the municipality has made a
7 finding that there exist conditions which cause the area to be
8 classified as an industrial park conservation area or a
9 blighted area or a conservation area, or a combination of both
10 blighted areas and conservation areas.

11 (p-1) Notwithstanding any provision of this Act to the
12 contrary, on and after August 25, 2009 (the effective date of
13 Public Act 96-680), a redevelopment project area may include
14 areas within a one-half mile radius of an existing or proposed
15 Regional Transportation Authority Suburban Transit Access
16 Route (STAR Line) station without a finding that the area is
17 classified as an industrial park conservation area, a blighted
18 area, a conservation area, or a combination thereof, but only
19 if the municipality receives unanimous consent from the joint
20 review board created to review the proposed redevelopment
21 project area.

22 (p-2) Notwithstanding any provision of this Act to the
23 contrary, on and after the effective date of this amendatory
24 Act of the 99th General Assembly, a redevelopment project area
25 may include areas within a transit facility improvement area
26 that has been established pursuant to Section 11-74.4-3.3

1 without a finding that the area is classified as an industrial
2 park conservation area, a blighted area, a conservation area,
3 or any combination thereof.

4 (q) "Redevelopment project costs", except for
5 redevelopment project areas created pursuant to subsection
6 ~~subsections~~ (p-1) or (p-2), means and includes the sum total of
7 all reasonable or necessary costs incurred or estimated to be
8 incurred, and any such costs incidental to a redevelopment plan
9 and a redevelopment project. Such costs include, without
10 limitation, the following:

11 (1) Costs of studies, surveys, development of plans,
12 and specifications, implementation and administration of
13 the redevelopment plan including but not limited to staff
14 and professional service costs for architectural,
15 engineering, legal, financial, planning or other services,
16 provided however that no charges for professional services
17 may be based on a percentage of the tax increment
18 collected; except that on and after November 1, 1999 (the
19 effective date of Public Act 91-478), no contracts for
20 professional services, excluding architectural and
21 engineering services, may be entered into if the terms of
22 the contract extend beyond a period of 3 years. In
23 addition, "redevelopment project costs" shall not include
24 lobbying expenses. After consultation with the
25 municipality, each tax increment consultant or advisor to a
26 municipality that plans to designate or has designated a

1 redevelopment project area shall inform the municipality
2 in writing of any contracts that the consultant or advisor
3 has entered into with entities or individuals that have
4 received, or are receiving, payments financed by tax
5 increment revenues produced by the redevelopment project
6 area with respect to which the consultant or advisor has
7 performed, or will be performing, service for the
8 municipality. This requirement shall be satisfied by the
9 consultant or advisor before the commencement of services
10 for the municipality and thereafter whenever any other
11 contracts with those individuals or entities are executed
12 by the consultant or advisor;

13 (1.5) After July 1, 1999, annual administrative costs
14 shall not include general overhead or administrative costs
15 of the municipality that would still have been incurred by
16 the municipality if the municipality had not designated a
17 redevelopment project area or approved a redevelopment
18 plan;

19 (1.6) The cost of marketing sites within the
20 redevelopment project area to prospective businesses,
21 developers, and investors;

22 (2) Property assembly costs, including but not limited
23 to acquisition of land and other property, real or
24 personal, or rights or interests therein, demolition of
25 buildings, site preparation, site improvements that serve
26 as an engineered barrier addressing ground level or below

1 ground environmental contamination, including, but not
2 limited to parking lots and other concrete or asphalt
3 barriers, and the clearing and grading of land;

4 (3) Costs of rehabilitation, reconstruction or repair
5 or remodeling of existing public or private buildings,
6 fixtures, and leasehold improvements; and the cost of
7 replacing an existing public building if pursuant to the
8 implementation of a redevelopment project the existing
9 public building is to be demolished to use the site for
10 private investment or devoted to a different use requiring
11 private investment; including any direct or indirect costs
12 relating to Green Globes or LEED certified construction
13 elements or construction elements with an equivalent
14 certification;

15 (4) Costs of the construction of public works or
16 improvements, including any direct or indirect costs
17 relating to Green Globes or LEED certified construction
18 elements or construction elements with an equivalent
19 certification, except that on and after November 1, 1999,
20 redevelopment project costs shall not include the cost of
21 constructing a new municipal public building principally
22 used to provide offices, storage space, or conference
23 facilities or vehicle storage, maintenance, or repair for
24 administrative, public safety, or public works personnel
25 and that is not intended to replace an existing public
26 building as provided under paragraph (3) of subsection (q)

1 of Section 11-74.4-3 unless either (i) the construction of
2 the new municipal building implements a redevelopment
3 project that was included in a redevelopment plan that was
4 adopted by the municipality prior to November 1, 1999, (ii)
5 the municipality makes a reasonable determination in the
6 redevelopment plan, supported by information that provides
7 the basis for that determination, that the new municipal
8 building is required to meet an increase in the need for
9 public safety purposes anticipated to result from the
10 implementation of the redevelopment plan, or (iii) the new
11 municipal public building is for the storage, maintenance,
12 or repair of transit vehicles and is located in a transit
13 facility improvement area that has been established
14 pursuant to Section 11-74.4-3.3;

15 (5) Costs of job training and retraining projects,
16 including the cost of "welfare to work" programs
17 implemented by businesses located within the redevelopment
18 project area;

19 (6) Financing costs, including but not limited to all
20 necessary and incidental expenses related to the issuance
21 of obligations and which may include payment of interest on
22 any obligations issued hereunder including interest
23 accruing during the estimated period of construction of any
24 redevelopment project for which such obligations are
25 issued and for not exceeding 36 months thereafter and
26 including reasonable reserves related thereto;

1 (7) To the extent the municipality by written agreement
2 accepts and approves the same, all or a portion of a taxing
3 district's capital costs resulting from the redevelopment
4 project necessarily incurred or to be incurred within a
5 taxing district in furtherance of the objectives of the
6 redevelopment plan and project;

7 (7.5) For redevelopment project areas designated (or
8 redevelopment project areas amended to add or increase the
9 number of tax-increment-financing assisted housing units)
10 on or after November 1, 1999, an elementary, secondary, or
11 unit school district's increased costs attributable to
12 assisted housing units located within the redevelopment
13 project area for which the developer or redeveloper
14 receives financial assistance through an agreement with
15 the municipality or because the municipality incurs the
16 cost of necessary infrastructure improvements within the
17 boundaries of the assisted housing sites necessary for the
18 completion of that housing as authorized by this Act, and
19 which costs shall be paid by the municipality from the
20 Special Tax Allocation Fund when the tax increment revenue
21 is received as a result of the assisted housing units and
22 shall be calculated annually as follows:

23 (A) for foundation districts, excluding any school
24 district in a municipality with a population in excess
25 of 1,000,000, by multiplying the district's increase
26 in attendance resulting from the net increase in new

1 students enrolled in that school district who reside in
2 housing units within the redevelopment project area
3 that have received financial assistance through an
4 agreement with the municipality or because the
5 municipality incurs the cost of necessary
6 infrastructure improvements within the boundaries of
7 the housing sites necessary for the completion of that
8 housing as authorized by this Act since the designation
9 of the redevelopment project area by the most recently
10 available per capita tuition cost as defined in Section
11 10-20.12a of the School Code less any increase in
12 general State aid as defined in Section 18-8.05 of the
13 School Code or evidence-based funding as defined in
14 Section 18-8.15 of the School Code attributable to
15 these added new students subject to the following
16 annual limitations:

17 (i) for unit school districts with a district
18 average 1995-96 Per Capita Tuition Charge of less
19 than \$5,900, no more than 25% of the total amount
20 of property tax increment revenue produced by
21 those housing units that have received tax
22 increment finance assistance under this Act;

23 (ii) for elementary school districts with a
24 district average 1995-96 Per Capita Tuition Charge
25 of less than \$5,900, no more than 17% of the total
26 amount of property tax increment revenue produced

1 by those housing units that have received tax
2 increment finance assistance under this Act; and

3 (iii) for secondary school districts with a
4 district average 1995-96 Per Capita Tuition Charge
5 of less than \$5,900, no more than 8% of the total
6 amount of property tax increment revenue produced
7 by those housing units that have received tax
8 increment finance assistance under this Act.

9 (B) For alternate method districts, flat grant
10 districts, and foundation districts with a district
11 average 1995-96 Per Capita Tuition Charge equal to or
12 more than \$5,900, excluding any school district with a
13 population in excess of 1,000,000, by multiplying the
14 district's increase in attendance resulting from the
15 net increase in new students enrolled in that school
16 district who reside in housing units within the
17 redevelopment project area that have received
18 financial assistance through an agreement with the
19 municipality or because the municipality incurs the
20 cost of necessary infrastructure improvements within
21 the boundaries of the housing sites necessary for the
22 completion of that housing as authorized by this Act
23 since the designation of the redevelopment project
24 area by the most recently available per capita tuition
25 cost as defined in Section 10-20.12a of the School Code
26 less any increase in general state aid as defined in

1 Section 18-8.05 of the School Code or evidence-based
2 funding as defined in Section 18-8.15 of the School
3 Code attributable to these added new students subject
4 to the following annual limitations:

5 (i) for unit school districts, no more than 40%
6 of the total amount of property tax increment
7 revenue produced by those housing units that have
8 received tax increment finance assistance under
9 this Act;

10 (ii) for elementary school districts, no more
11 than 27% of the total amount of property tax
12 increment revenue produced by those housing units
13 that have received tax increment finance
14 assistance under this Act; and

15 (iii) for secondary school districts, no more
16 than 13% of the total amount of property tax
17 increment revenue produced by those housing units
18 that have received tax increment finance
19 assistance under this Act.

20 (C) For any school district in a municipality with
21 a population in excess of 1,000,000, the following
22 restrictions shall apply to the reimbursement of
23 increased costs under this paragraph (7.5):

24 (i) no increased costs shall be reimbursed
25 unless the school district certifies that each of
26 the schools affected by the assisted housing

1 project is at or over its student capacity;

2 (ii) the amount reimbursable shall be reduced
3 by the value of any land donated to the school
4 district by the municipality or developer, and by
5 the value of any physical improvements made to the
6 schools by the municipality or developer; and

7 (iii) the amount reimbursed may not affect
8 amounts otherwise obligated by the terms of any
9 bonds, notes, or other funding instruments, or the
10 terms of any redevelopment agreement.

11 Any school district seeking payment under this
12 paragraph (7.5) shall, after July 1 and before
13 September 30 of each year, provide the municipality
14 with reasonable evidence to support its claim for
15 reimbursement before the municipality shall be
16 required to approve or make the payment to the school
17 district. If the school district fails to provide the
18 information during this period in any year, it shall
19 forfeit any claim to reimbursement for that year.
20 School districts may adopt a resolution waiving the
21 right to all or a portion of the reimbursement
22 otherwise required by this paragraph (7.5). By
23 acceptance of this reimbursement the school district
24 waives the right to directly or indirectly set aside,
25 modify, or contest in any manner the establishment of
26 the redevelopment project area or projects;

1 (7.7) For redevelopment project areas designated (or
2 redevelopment project areas amended to add or increase the
3 number of tax-increment-financing assisted housing units)
4 on or after January 1, 2005 (the effective date of Public
5 Act 93-961), a public library district's increased costs
6 attributable to assisted housing units located within the
7 redevelopment project area for which the developer or
8 redeveloper receives financial assistance through an
9 agreement with the municipality or because the
10 municipality incurs the cost of necessary infrastructure
11 improvements within the boundaries of the assisted housing
12 sites necessary for the completion of that housing as
13 authorized by this Act shall be paid to the library
14 district by the municipality from the Special Tax
15 Allocation Fund when the tax increment revenue is received
16 as a result of the assisted housing units. This paragraph
17 (7.7) applies only if (i) the library district is located
18 in a county that is subject to the Property Tax Extension
19 Limitation Law or (ii) the library district is not located
20 in a county that is subject to the Property Tax Extension
21 Limitation Law but the district is prohibited by any other
22 law from increasing its tax levy rate without a prior voter
23 referendum.

24 The amount paid to a library district under this
25 paragraph (7.7) shall be calculated by multiplying (i) the
26 net increase in the number of persons eligible to obtain a

1 library card in that district who reside in housing units
2 within the redevelopment project area that have received
3 financial assistance through an agreement with the
4 municipality or because the municipality incurs the cost of
5 necessary infrastructure improvements within the
6 boundaries of the housing sites necessary for the
7 completion of that housing as authorized by this Act since
8 the designation of the redevelopment project area by (ii)
9 the per-patron cost of providing library services so long
10 as it does not exceed \$120. The per-patron cost shall be
11 the Total Operating Expenditures Per Capita for the library
12 in the previous fiscal year. The municipality may deduct
13 from the amount that it must pay to a library district
14 under this paragraph any amount that it has voluntarily
15 paid to the library district from the tax increment
16 revenue. The amount paid to a library district under this
17 paragraph (7.7) shall be no more than 2% of the amount
18 produced by the assisted housing units and deposited into
19 the Special Tax Allocation Fund.

20 A library district is not eligible for any payment
21 under this paragraph (7.7) unless the library district has
22 experienced an increase in the number of patrons from the
23 municipality that created the tax-increment-financing
24 district since the designation of the redevelopment
25 project area.

26 Any library district seeking payment under this

1 paragraph (7.7) shall, after July 1 and before September 30
2 of each year, provide the municipality with convincing
3 evidence to support its claim for reimbursement before the
4 municipality shall be required to approve or make the
5 payment to the library district. If the library district
6 fails to provide the information during this period in any
7 year, it shall forfeit any claim to reimbursement for that
8 year. Library districts may adopt a resolution waiving the
9 right to all or a portion of the reimbursement otherwise
10 required by this paragraph (7.7). By acceptance of such
11 reimbursement, the library district shall forfeit any
12 right to directly or indirectly set aside, modify, or
13 contest in any manner whatsoever the establishment of the
14 redevelopment project area or projects;

15 (8) Relocation costs to the extent that a municipality
16 determines that relocation costs shall be paid or is
17 required to make payment of relocation costs by federal or
18 State law or in order to satisfy subparagraph (7) of
19 subsection (n);

20 (9) Payment in lieu of taxes;

21 (10) Costs of job training, retraining, advanced
22 vocational education or career education, including but
23 not limited to courses in occupational, semi-technical or
24 technical fields leading directly to employment, incurred
25 by one or more taxing districts, provided that such costs
26 (i) are related to the establishment and maintenance of

1 additional job training, advanced vocational education or
2 career education programs for persons employed or to be
3 employed by employers located in a redevelopment project
4 area; and (ii) when incurred by a taxing district or taxing
5 districts other than the municipality, are set forth in a
6 written agreement by or among the municipality and the
7 taxing district or taxing districts, which agreement
8 describes the program to be undertaken, including but not
9 limited to the number of employees to be trained, a
10 description of the training and services to be provided,
11 the number and type of positions available or to be
12 available, itemized costs of the program and sources of
13 funds to pay for the same, and the term of the agreement.
14 Such costs include, specifically, the payment by community
15 college districts of costs pursuant to Sections 3-37, 3-38,
16 3-40 and 3-40.1 of the Public Community College Act and by
17 school districts of costs pursuant to Sections 10-22.20a
18 and 10-23.3a of the ~~The~~ School Code;

19 (11) Interest cost incurred by a redeveloper related to
20 the construction, renovation or rehabilitation of a
21 redevelopment project provided that:

22 (A) such costs are to be paid directly from the
23 special tax allocation fund established pursuant to
24 this Act;

25 (B) such payments in any one year may not exceed
26 30% of the annual interest costs incurred by the

1 redeveloper with regard to the redevelopment project
2 during that year;

3 (C) if there are not sufficient funds available in
4 the special tax allocation fund to make the payment
5 pursuant to this paragraph (11) then the amounts so due
6 shall accrue and be payable when sufficient funds are
7 available in the special tax allocation fund;

8 (D) the total of such interest payments paid
9 pursuant to this Act may not exceed 30% of the total
10 (i) cost paid or incurred by the redeveloper for the
11 redevelopment project plus (ii) redevelopment project
12 costs excluding any property assembly costs and any
13 relocation costs incurred by a municipality pursuant
14 to this Act; ~~and~~

15 (E) the cost limits set forth in subparagraphs (B)
16 and (D) of paragraph (11) shall be modified for the
17 financing of rehabilitated or new housing units for
18 low-income households and very low-income households,
19 as defined in Section 3 of the Illinois Affordable
20 Housing Act. The percentage of 75% shall be substituted
21 for 30% in subparagraphs (B) and (D) of paragraph (11);
22 and-

23 (F) instead ~~instead~~ of the eligible costs provided
24 by subparagraphs (B) and (D) of paragraph (11), as
25 modified by this subparagraph, and notwithstanding any
26 other provisions of this Act to the contrary, the

1 municipality may pay from tax increment revenues up to
2 50% of the cost of construction of new housing units to
3 be occupied by low-income households and very
4 low-income households as defined in Section 3 of the
5 Illinois Affordable Housing Act. The cost of
6 construction of those units may be derived from the
7 proceeds of bonds issued by the municipality under this
8 Act or other constitutional or statutory authority or
9 from other sources of municipal revenue that may be
10 reimbursed from tax increment revenues or the proceeds
11 of bonds issued to finance the construction of that
12 housing.

13 The eligible costs provided under this
14 subparagraph (F) of paragraph (11) shall be an eligible
15 cost for the construction, renovation, and
16 rehabilitation of all low and very low-income housing
17 units, as defined in Section 3 of the Illinois
18 Affordable Housing Act, within the redevelopment
19 project area. If the low and very low-income units are
20 part of a residential redevelopment project that
21 includes units not affordable to low and very
22 low-income households, only the low and very
23 low-income units shall be eligible for benefits under
24 this subparagraph (F) of paragraph (11). The standards
25 for maintaining the occupancy by low-income households
26 and very low-income households, as defined in Section 3

1 of the Illinois Affordable Housing Act, of those units
2 constructed with eligible costs made available under
3 the provisions of this subparagraph (F) of paragraph
4 (11) shall be established by guidelines adopted by the
5 municipality. The responsibility for annually
6 documenting the initial occupancy of the units by
7 low-income households and very low-income households,
8 as defined in Section 3 of the Illinois Affordable
9 Housing Act, shall be that of the then current owner of
10 the property. For ownership units, the guidelines will
11 provide, at a minimum, for a reasonable recapture of
12 funds, or other appropriate methods designed to
13 preserve the original affordability of the ownership
14 units. For rental units, the guidelines will provide,
15 at a minimum, for the affordability of rent to low and
16 very low-income households. As units become available,
17 they shall be rented to income-eligible tenants. The
18 municipality may modify these guidelines from time to
19 time; the guidelines, however, shall be in effect for
20 as long as tax increment revenue is being used to pay
21 for costs associated with the units or for the
22 retirement of bonds issued to finance the units or for
23 the life of the redevelopment project area, whichever
24 is later;i-

25 (11.5) If the redevelopment project area is located
26 within a municipality with a population of more than

1 100,000, the cost of day care services for children of
2 employees from low-income families working for businesses
3 located within the redevelopment project area and all or a
4 portion of the cost of operation of day care centers
5 established by redevelopment project area businesses to
6 serve employees from low-income families working in
7 businesses located in the redevelopment project area. For
8 the purposes of this paragraph, "low-income families"
9 means families whose annual income does not exceed 80% of
10 the municipal, county, or regional median income, adjusted
11 for family size, as the annual income and municipal,
12 county, or regional median income are determined from time
13 to time by the United States Department of Housing and
14 Urban Development.

15 ~~(12)~~ Unless explicitly stated herein the cost of
16 construction of new privately-owned buildings shall not be an
17 eligible redevelopment project cost.

18 ~~(13)~~ After November 1, 1999 (the effective date of Public
19 Act 91-478), none of the redevelopment project costs enumerated
20 in this subsection shall be eligible redevelopment project
21 costs if those costs would provide direct financial support to
22 a retail entity initiating operations in the redevelopment
23 project area while terminating operations at another Illinois
24 location within 10 miles of the redevelopment project area but
25 outside the boundaries of the redevelopment project area
26 municipality. For purposes of this paragraph, termination

1 means a closing of a retail operation that is directly related
2 to the opening of the same operation or like retail entity
3 owned or operated by more than 50% of the original ownership in
4 a redevelopment project area, but it does not mean closing an
5 operation for reasons beyond the control of the retail entity,
6 as documented by the retail entity, subject to a reasonable
7 finding by the municipality that the current location contained
8 inadequate space, had become economically obsolete, or was no
9 longer a viable location for the retailer or serviceman.

10 ~~(14)~~ No cost shall be a redevelopment project cost in a
11 redevelopment project area if used to demolish, remove, or
12 substantially modify a historic resource, after August 26, 2008
13 (the effective date of Public Act 95-934), unless no prudent
14 and feasible alternative exists. "Historic resource" for the
15 purpose of this paragraph ~~item (14)~~ means (i) a place or
16 structure that is included or eligible for inclusion on the
17 National Register of Historic Places or (ii) a contributing
18 structure in a district on the National Register of Historic
19 Places. This paragraph ~~item (14)~~ does not apply to a place or
20 structure for which demolition, removal, or modification is
21 subject to review by the preservation agency of a Certified
22 Local Government designated as such by the National Park
23 Service of the United States Department of the Interior.

24 If a special service area has been established pursuant to
25 the Special Service Area Tax Act or Special Service Area Tax
26 Law, then any tax increment revenues derived from the tax

1 imposed pursuant to the Special Service Area Tax Act or Special
2 Service Area Tax Law may be used within the redevelopment
3 project area for the purposes permitted by that Act or Law as
4 well as the purposes permitted by this Act.

5 (q-1) For redevelopment project areas created pursuant to
6 subsection (p-1), redevelopment project costs are limited to
7 those costs in paragraph (q) that are related to the existing
8 or proposed Regional Transportation Authority Suburban Transit
9 Access Route (STAR Line) station.

10 (q-2) For a redevelopment project area located within a
11 transit facility improvement area established pursuant to
12 Section 11-74.4-3.3, redevelopment project costs means those
13 costs described in subsection (q) that are related to the
14 construction, reconstruction, rehabilitation, remodeling, or
15 repair of any existing or proposed transit facility.

16 (r) "State Sales Tax Boundary" means the redevelopment
17 project area or the amended redevelopment project area
18 boundaries which are determined pursuant to subsection (9) of
19 Section 11-74.4-8a of this Act. The Department of Revenue shall
20 certify pursuant to subsection (9) of Section 11-74.4-8a the
21 appropriate boundaries eligible for the determination of State
22 Sales Tax Increment.

23 (s) "State Sales Tax Increment" means an amount equal to
24 the increase in the aggregate amount of taxes paid by retailers
25 and servicemen, other than retailers and servicemen subject to
26 the Public Utilities Act, on transactions at places of business

1 located within a State Sales Tax Boundary pursuant to the
2 Retailers' Occupation Tax Act, the Use Tax Act, the Service Use
3 Tax Act, and the Service Occupation Tax Act, except such
4 portion of such increase that is paid into the State and Local
5 Sales Tax Reform Fund, the Local Government Distributive Fund,
6 the Local Government Tax Fund and the County and Mass Transit
7 District Fund, for as long as State participation exists, over
8 and above the Initial Sales Tax Amounts, Adjusted Initial Sales
9 Tax Amounts or the Revised Initial Sales Tax Amounts for such
10 taxes as certified by the Department of Revenue and paid under
11 those Acts by retailers and servicemen on transactions at
12 places of business located within the State Sales Tax Boundary
13 during the base year which shall be the calendar year
14 immediately prior to the year in which the municipality adopted
15 tax increment allocation financing, less 3.0% of such amounts
16 generated under the Retailers' Occupation Tax Act, Use Tax Act
17 and Service Use Tax Act and the Service Occupation Tax Act,
18 which sum shall be appropriated to the Department of Revenue to
19 cover its costs of administering and enforcing this Section.
20 For purposes of computing the aggregate amount of such taxes
21 for base years occurring prior to 1985, the Department of
22 Revenue shall compute the Initial Sales Tax Amount for such
23 taxes and deduct therefrom an amount equal to 4% of the
24 aggregate amount of taxes per year for each year the base year
25 is prior to 1985, but not to exceed a total deduction of 12%.
26 The amount so determined shall be known as the "Adjusted

1 Initial Sales Tax Amount". For purposes of determining the
2 State Sales Tax Increment the Department of Revenue shall for
3 each period subtract from the tax amounts received from
4 retailers and servicemen on transactions located in the State
5 Sales Tax Boundary, the certified Initial Sales Tax Amounts,
6 Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax
7 Amounts for the Retailers' Occupation Tax Act, the Use Tax Act,
8 the Service Use Tax Act and the Service Occupation Tax Act. For
9 the State Fiscal Year 1989 this calculation shall be made by
10 utilizing the calendar year 1987 to determine the tax amounts
11 received. For the State Fiscal Year 1990, this calculation
12 shall be made by utilizing the period from January 1, 1988,
13 until September 30, 1988, to determine the tax amounts received
14 from retailers and servicemen, which shall have deducted
15 therefrom nine-twelfths of the certified Initial Sales Tax
16 Amounts, Adjusted Initial Sales Tax Amounts or the Revised
17 Initial Sales Tax Amounts as appropriate. For the State Fiscal
18 Year 1991, this calculation shall be made by utilizing the
19 period from October 1, 1988, until June 30, 1989, to determine
20 the tax amounts received from retailers and servicemen, which
21 shall have deducted therefrom nine-twelfths of the certified
22 Initial State Sales Tax Amounts, Adjusted Initial Sales Tax
23 Amounts or the Revised Initial Sales Tax Amounts as
24 appropriate. For every State Fiscal Year thereafter, the
25 applicable period shall be the 12 months beginning July 1 and
26 ending on June 30, to determine the tax amounts received which

1 shall have deducted therefrom the certified Initial Sales Tax
2 Amounts, Adjusted Initial Sales Tax Amounts or the Revised
3 Initial Sales Tax Amounts. Municipalities intending to receive
4 a distribution of State Sales Tax Increment must report a list
5 of retailers to the Department of Revenue by October 31, 1988
6 and by July 31, of each year thereafter.

7 (t) "Taxing districts" means counties, townships, cities
8 and incorporated towns and villages, school, road, park,
9 sanitary, mosquito abatement, forest preserve, public health,
10 fire protection, river conservancy, tuberculosis sanitarium
11 and any other municipal corporations or districts with the
12 power to levy taxes.

13 (u) "Taxing districts' capital costs" means those costs of
14 taxing districts for capital improvements that are found by the
15 municipal corporate authorities to be necessary and directly
16 result from the redevelopment project.

17 (v) As used in subsection (a) of Section 11-74.4-3 of this
18 Act, "vacant land" means any parcel or combination of parcels
19 of real property without industrial, commercial, and
20 residential buildings which has not been used for commercial
21 agricultural purposes within 5 years prior to the designation
22 of the redevelopment project area, unless the parcel is
23 included in an industrial park conservation area or the parcel
24 has been subdivided; provided that if the parcel was part of a
25 larger tract that has been divided into 3 or more smaller
26 tracts that were accepted for recording during the period from

1 1950 to 1990, then the parcel shall be deemed to have been
2 subdivided, and all proceedings and actions of the municipality
3 taken in that connection with respect to any previously
4 approved or designated redevelopment project area or amended
5 redevelopment project area are hereby validated and hereby
6 declared to be legally sufficient for all purposes of this Act.
7 For purposes of this Section and only for land subject to the
8 subdivision requirements of the Plat Act, land is subdivided
9 when the original plat of the proposed Redevelopment Project
10 Area or relevant portion thereof has been properly certified,
11 acknowledged, approved, and recorded or filed in accordance
12 with the Plat Act and a preliminary plat, if any, for any
13 subsequent phases of the proposed Redevelopment Project Area or
14 relevant portion thereof has been properly approved and filed
15 in accordance with the applicable ordinance of the
16 municipality.

17 (w) "Annual Total Increment" means the sum of each
18 municipality's annual Net Sales Tax Increment and each
19 municipality's annual Net Utility Tax Increment. The ratio of
20 the Annual Total Increment of each municipality to the Annual
21 Total Increment for all municipalities, as most recently
22 calculated by the Department, shall determine the proportional
23 shares of the Illinois Tax Increment Fund to be distributed to
24 each municipality.

25 (x) "LEED certified" means any certification level of
26 construction elements by a qualified Leadership in Energy and

1 Environmental Design Accredited Professional as determined by
2 the U.S. Green Building Council.

3 (y) "Green Globes certified" means any certification level
4 of construction elements by a qualified Green Globes
5 Professional as determined by the Green Building Initiative.

6 (Source: P.A. 99-792, eff. 8-12-16; revised 10-31-16.)

7 (65 ILCS 5/11-74.4-8) (from Ch. 24, par. 11-74.4-8)

8 Sec. 11-74.4-8. Tax increment allocation financing. A
9 municipality may not adopt tax increment financing in a
10 redevelopment project area after the effective date of this
11 amendatory Act of 1997 that will encompass an area that is
12 currently included in an enterprise zone created under the
13 Illinois Enterprise Zone Act unless that municipality,
14 pursuant to Section 5.4 of the Illinois Enterprise Zone Act,
15 amends the enterprise zone designating ordinance to limit the
16 eligibility for tax abatements as provided in Section 5.4.1 of
17 the Illinois Enterprise Zone Act. A municipality, at the time a
18 redevelopment project area is designated, may adopt tax
19 increment allocation financing by passing an ordinance
20 providing that the ad valorem taxes, if any, arising from the
21 levies upon taxable real property in such redevelopment project
22 area by taxing districts and tax rates determined in the manner
23 provided in paragraph (c) of Section 11-74.4-9 each year after
24 the effective date of the ordinance until redevelopment project
25 costs and all municipal obligations financing redevelopment

1 project costs incurred under this Division have been paid shall
2 be divided as follows, provided, however, that with respect to
3 any redevelopment project area located within a transit
4 facility improvement area established pursuant to Section
5 11-74.4-3.3 in a municipality with a population of 1,000,000 or
6 more, ad valorem taxes, if any, arising from the levies upon
7 taxable real property in such redevelopment project area shall
8 be allocated as specifically provided in this Section:

9 (a) That portion of taxes levied upon each taxable lot,
10 block, tract or parcel of real property which is
11 attributable to the lower of the current equalized assessed
12 value or the initial equalized assessed value of each such
13 taxable lot, block, tract or parcel of real property in the
14 redevelopment project area shall be allocated to and when
15 collected shall be paid by the county collector to the
16 respective affected taxing districts in the manner
17 required by law in the absence of the adoption of tax
18 increment allocation financing.

19 (b) Except from a tax levied by a township to retire
20 bonds issued to satisfy court-ordered damages, that
21 portion, if any, of such taxes which is attributable to the
22 increase in the current equalized assessed valuation of
23 each taxable lot, block, tract or parcel of real property
24 in the redevelopment project area over and above the
25 initial equalized assessed value of each property in the
26 project area shall be allocated to and when collected shall

1 be paid to the municipal treasurer who shall deposit said
2 taxes into a special fund called the special tax allocation
3 fund of the municipality for the purpose of paying
4 redevelopment project costs and obligations incurred in
5 the payment thereof. In any county with a population of
6 3,000,000 or more that has adopted a procedure for
7 collecting taxes that provides for one or more of the
8 installments of the taxes to be billed and collected on an
9 estimated basis, the municipal treasurer shall be paid for
10 deposit in the special tax allocation fund of the
11 municipality, from the taxes collected from estimated
12 bills issued for property in the redevelopment project
13 area, the difference between the amount actually collected
14 from each taxable lot, block, tract, or parcel of real
15 property within the redevelopment project area and an
16 amount determined by multiplying the rate at which taxes
17 were last extended against the taxable lot, block, track,
18 or parcel of real property in the manner provided in
19 subsection (c) of Section 11-74.4-9 by the initial
20 equalized assessed value of the property divided by the
21 number of installments in which real estate taxes are
22 billed and collected within the county; provided that the
23 payments on or before December 31, 1999 to a municipal
24 treasurer shall be made only if each of the following
25 conditions are met:

26 (1) The total equalized assessed value of the

1 redevelopment project area as last determined was not
2 less than 175% of the total initial equalized assessed
3 value.

4 (2) Not more than 50% of the total equalized assessed
5 value of the redevelopment project area as last
6 determined is attributable to a piece of property
7 assigned a single real estate index number.

8 (3) The municipal clerk has certified to the county
9 clerk that the municipality has issued its obligations
10 to which there has been pledged the incremental
11 property taxes of the redevelopment project area or
12 taxes levied and collected on any or all property in
13 the municipality or the full faith and credit of the
14 municipality to pay or secure payment for all or a
15 portion of the redevelopment project costs. The
16 certification shall be filed annually no later than
17 September 1 for the estimated taxes to be distributed
18 in the following year; however, for the year 1992 the
19 certification shall be made at any time on or before
20 March 31, 1992.

21 (4) The municipality has not requested that the total
22 initial equalized assessed value of real property be
23 adjusted as provided in subsection (b) of Section
24 11-74.4-9.

25 The conditions of paragraphs (1) through (4) do not
26 apply after December 31, 1999 to payments to a municipal

1 treasurer made by a county with 3,000,000 or more
2 inhabitants that has adopted an estimated billing
3 procedure for collecting taxes. If a county that has
4 adopted the estimated billing procedure makes an erroneous
5 overpayment of tax revenue to the municipal treasurer, then
6 the county may seek a refund of that overpayment. The
7 county shall send the municipal treasurer a notice of
8 liability for the overpayment on or before the mailing date
9 of the next real estate tax bill within the county. The
10 refund shall be limited to the amount of the overpayment.

11 It is the intent of this Division that after the
12 effective date of this amendatory Act of 1988 a
13 municipality's own ad valorem tax arising from levies on
14 taxable real property be included in the determination of
15 incremental revenue in the manner provided in paragraph (c)
16 of Section 11-74.4-9. If the municipality does not extend
17 such a tax, it shall annually deposit in the municipality's
18 Special Tax Increment Fund an amount equal to 10% of the
19 total contributions to the fund from all other taxing
20 districts in that year. The annual 10% deposit required by
21 this paragraph shall be limited to the actual amount of
22 municipally produced incremental tax revenues available to
23 the municipality from taxpayers located in the
24 redevelopment project area in that year if: (a) the plan
25 for the area restricts the use of the property primarily to
26 industrial purposes, (b) the municipality establishing the

1 redevelopment project area is a home-rule community with a
2 1990 population of between 25,000 and 50,000, (c) the
3 municipality is wholly located within a county with a 1990
4 population of over 750,000 and (d) the redevelopment
5 project area was established by the municipality prior to
6 June 1, 1990. This payment shall be in lieu of a
7 contribution of ad valorem taxes on real property. If no
8 such payment is made, any redevelopment project area of the
9 municipality shall be dissolved.

10 If a municipality has adopted tax increment allocation
11 financing by ordinance and the County Clerk thereafter
12 certifies the "total initial equalized assessed value as
13 adjusted" of the taxable real property within such
14 redevelopment project area in the manner provided in
15 paragraph (b) of Section 11-74.4-9, each year after the
16 date of the certification of the total initial equalized
17 assessed value as adjusted until redevelopment project
18 costs and all municipal obligations financing
19 redevelopment project costs have been paid the ad valorem
20 taxes, if any, arising from the levies upon the taxable
21 real property in such redevelopment project area by taxing
22 districts and tax rates determined in the manner provided
23 in paragraph (c) of Section 11-74.4-9 shall be divided as
24 follows, provided, however, that with respect to any
25 redevelopment project area located within a transit
26 facility improvement area established pursuant to Section

1 11-74.4-3.3 in a municipality with a population of
2 1,000,000 or more, ad valorem taxes, if any, arising from
3 the levies upon the taxable real property in such
4 redevelopment project area shall be allocated as
5 specifically provided in this Section:

6 (1) That portion of the taxes levied upon each taxable
7 lot, block, tract or parcel of real property which is
8 attributable to the lower of the current equalized
9 assessed value or "current equalized assessed value as
10 adjusted" or the initial equalized assessed value of
11 each such taxable lot, block, tract, or parcel of real
12 property existing at the time tax increment financing
13 was adopted, minus the total current homestead
14 exemptions under Article 15 of the Property Tax Code in
15 the redevelopment project area shall be allocated to
16 and when collected shall be paid by the county
17 collector to the respective affected taxing districts
18 in the manner required by law in the absence of the
19 adoption of tax increment allocation financing.

20 (2) That portion, if any, of such taxes which is
21 attributable to the increase in the current equalized
22 assessed valuation of each taxable lot, block, tract,
23 or parcel of real property in the redevelopment project
24 area, over and above the initial equalized assessed
25 value of each property existing at the time tax
26 increment financing was adopted, minus the total

1 current homestead exemptions pertaining to each piece
2 of property provided by Article 15 of the Property Tax
3 Code in the redevelopment project area, shall be
4 allocated to and when collected shall be paid to the
5 municipal Treasurer, who shall deposit said taxes into
6 a special fund called the special tax allocation fund
7 of the municipality for the purpose of paying
8 redevelopment project costs and obligations incurred
9 in the payment thereof.

10 The municipality may pledge in the ordinance the funds
11 in and to be deposited in the special tax allocation fund
12 for the payment of such costs and obligations. No part of
13 the current equalized assessed valuation of each property
14 in the redevelopment project area attributable to any
15 increase above the total initial equalized assessed value,
16 or the total initial equalized assessed value as adjusted,
17 of such properties shall be used in calculating the general
18 State ~~school~~ aid formula, provided for in Section 18-8 of
19 the School Code, or the evidence-based funding formula,
20 provided for in Section 18-8.15 of the School Code, until
21 such time as all redevelopment project costs have been paid
22 as provided for in this Section.

23 Whenever a municipality issues bonds for the purpose of
24 financing redevelopment project costs, such municipality
25 may provide by ordinance for the appointment of a trustee,
26 which may be any trust company within the State, and for

1 the establishment of such funds or accounts to be
2 maintained by such trustee as the municipality shall deem
3 necessary to provide for the security and payment of the
4 bonds. If such municipality provides for the appointment of
5 a trustee, such trustee shall be considered the assignee of
6 any payments assigned by the municipality pursuant to such
7 ordinance and this Section. Any amounts paid to such
8 trustee as assignee shall be deposited in the funds or
9 accounts established pursuant to such trust agreement, and
10 shall be held by such trustee in trust for the benefit of
11 the holders of the bonds, and such holders shall have a
12 lien on and a security interest in such funds or accounts
13 so long as the bonds remain outstanding and unpaid. Upon
14 retirement of the bonds, the trustee shall pay over any
15 excess amounts held to the municipality for deposit in the
16 special tax allocation fund.

17 When such redevelopment projects costs, including
18 without limitation all municipal obligations financing
19 redevelopment project costs incurred under this Division,
20 have been paid, all surplus funds then remaining in the
21 special tax allocation fund shall be distributed by being
22 paid by the municipal treasurer to the Department of
23 Revenue, the municipality and the county collector; first
24 to the Department of Revenue and the municipality in direct
25 proportion to the tax incremental revenue received from the
26 State and the municipality, but not to exceed the total

1 incremental revenue received from the State or the
2 municipality less any annual surplus distribution of
3 incremental revenue previously made; with any remaining
4 funds to be paid to the County Collector who shall
5 immediately thereafter pay said funds to the taxing
6 districts in the redevelopment project area in the same
7 manner and proportion as the most recent distribution by
8 the county collector to the affected districts of real
9 property taxes from real property in the redevelopment
10 project area.

11 Upon the payment of all redevelopment project costs,
12 the retirement of obligations, the distribution of any
13 excess monies pursuant to this Section, and final closing
14 of the books and records of the redevelopment project area,
15 the municipality shall adopt an ordinance dissolving the
16 special tax allocation fund for the redevelopment project
17 area and terminating the designation of the redevelopment
18 project area as a redevelopment project area. Title to real
19 or personal property and public improvements acquired by or
20 for the municipality as a result of the redevelopment
21 project and plan shall vest in the municipality when
22 acquired and shall continue to be held by the municipality
23 after the redevelopment project area has been terminated.
24 Municipalities shall notify affected taxing districts
25 prior to November 1 if the redevelopment project area is to
26 be terminated by December 31 of that same year. If a

1 municipality extends estimated dates of completion of a
2 redevelopment project and retirement of obligations to
3 finance a redevelopment project, as allowed by this
4 amendatory Act of 1993, that extension shall not extend the
5 property tax increment allocation financing authorized by
6 this Section. Thereafter the rates of the taxing districts
7 shall be extended and taxes levied, collected and
8 distributed in the manner applicable in the absence of the
9 adoption of tax increment allocation financing.

10 If a municipality with a population of 1,000,000 or
11 more has adopted by ordinance tax increment allocation
12 financing for a redevelopment project area located in a
13 transit facility improvement area established pursuant to
14 Section 11-74.4-3.3, for each year after the effective date
15 of the ordinance until redevelopment project costs and all
16 municipal obligations financing redevelopment project
17 costs have been paid, the ad valorem taxes, if any, arising
18 from the levies upon the taxable real property in that
19 redevelopment project area by taxing districts and tax
20 rates determined in the manner provided in paragraph (c) of
21 Section 11-74.4-9 shall be divided as follows:

22 (1) That portion of the taxes levied upon each
23 taxable lot, block, tract or parcel of real property
24 which is attributable to the lower of (i) the current
25 equalized assessed value or "current equalized
26 assessed value as adjusted" or (ii) the initial

1 equalized assessed value of each such taxable lot,
2 block, tract, or parcel of real property existing at
3 the time tax increment financing was adopted, minus the
4 total current homestead exemptions under Article 15 of
5 the Property Tax Code in the redevelopment project area
6 shall be allocated to and when collected shall be paid
7 by the county collector to the respective affected
8 taxing districts in the manner required by law in the
9 absence of the adoption of tax increment allocation
10 financing.

11 (2) That portion, if any, of such taxes which is
12 attributable to the increase in the current equalized
13 assessed valuation of each taxable lot, block, tract,
14 or parcel of real property in the redevelopment project
15 area, over and above the initial equalized assessed
16 value of each property existing at the time tax
17 increment financing was adopted, minus the total
18 current homestead exemptions pertaining to each piece
19 of property provided by Article 15 of the Property Tax
20 Code in the redevelopment project area, shall be
21 allocated to and when collected shall be paid by the
22 county collector as follows:

23 (A) First, that portion which would be payable
24 to a school district whose boundaries are
25 coterminous with such municipality in the absence
26 of the adoption of tax increment allocation

1 financing, shall be paid to such school district in
2 the manner required by law in the absence of the
3 adoption of tax increment allocation financing;
4 then

5 (B) 80% of the remaining portion shall be paid
6 to the municipal Treasurer, who shall deposit said
7 taxes into a special fund called the special tax
8 allocation fund of the municipality for the
9 purpose of paying redevelopment project costs and
10 obligations incurred in the payment thereof; and
11 then

12 (C) 20% of the remaining portion shall be paid
13 to the respective affected taxing districts, other
14 than the school district described in clause (a)
15 above, in the manner required by law in the absence
16 of the adoption of tax increment allocation
17 financing.

18 Nothing in this Section shall be construed as relieving
19 property in such redevelopment project areas from being
20 assessed as provided in the Property Tax Code or as relieving
21 owners of such property from paying a uniform rate of taxes, as
22 required by Section 4 of Article IX of the Illinois
23 Constitution.

24 (Source: P.A. 98-463, eff. 8-16-13; 99-792, eff. 8-12-16.)

1 Sec. 11-74.6-35. Ordinance for tax increment allocation
2 financing.

3 (a) A municipality, at the time a redevelopment project
4 area is designated, may adopt tax increment allocation
5 financing by passing an ordinance providing that the ad valorem
6 taxes, if any, arising from the levies upon taxable real
7 property within the redevelopment project area by taxing
8 districts and tax rates determined in the manner provided in
9 subsection (b) of Section 11-74.6-40 each year after the
10 effective date of the ordinance until redevelopment project
11 costs and all municipal obligations financing redevelopment
12 project costs incurred under this Act have been paid shall be
13 divided as follows:

14 (1) That portion of the taxes levied upon each taxable
15 lot, block, tract or parcel of real property that is
16 attributable to the lower of the current equalized assessed
17 value or the initial equalized assessed value or the
18 updated initial equalized assessed value of each taxable
19 lot, block, tract or parcel of real property in the
20 redevelopment project area shall be allocated to and when
21 collected shall be paid by the county collector to the
22 respective affected taxing districts in the manner
23 required by law without regard to the adoption of tax
24 increment allocation financing.

25 (2) That portion, if any, of those taxes that is
26 attributable to the increase in the current equalized

1 assessed value of each taxable lot, block, tract or parcel
2 of real property in the redevelopment project area, over
3 and above the initial equalized assessed value or the
4 updated initial equalized assessed value of each property
5 in the project area, shall be allocated to and when
6 collected shall be paid by the county collector to the
7 municipal treasurer who shall deposit that portion of those
8 taxes into a special fund called the special tax allocation
9 fund of the municipality for the purpose of paying
10 redevelopment project costs and obligations incurred in
11 the payment of those costs and obligations. In any county
12 with a population of 3,000,000 or more that has adopted a
13 procedure for collecting taxes that provides for one or
14 more of the installments of the taxes to be billed and
15 collected on an estimated basis, the municipal treasurer
16 shall be paid for deposit in the special tax allocation
17 fund of the municipality, from the taxes collected from
18 estimated bills issued for property in the redevelopment
19 project area, the difference between the amount actually
20 collected from each taxable lot, block, tract, or parcel of
21 real property within the redevelopment project area and an
22 amount determined by multiplying the rate at which taxes
23 were last extended against the taxable lot, block, track,
24 or parcel of real property in the manner provided in
25 subsection (b) of Section 11-74.6-40 by the initial
26 equalized assessed value or the updated initial equalized

1 assessed value of the property divided by the number of
2 installments in which real estate taxes are billed and
3 collected within the county, provided that the payments on
4 or before December 31, 1999 to a municipal treasurer shall
5 be made only if each of the following conditions are met:

6 (A) The total equalized assessed value of the
7 redevelopment project area as last determined was not
8 less than 175% of the total initial equalized assessed
9 value.

10 (B) Not more than 50% of the total equalized
11 assessed value of the redevelopment project area as
12 last determined is attributable to a piece of property
13 assigned a single real estate index number.

14 (C) The municipal clerk has certified to the county
15 clerk that the municipality has issued its obligations
16 to which there has been pledged the incremental
17 property taxes of the redevelopment project area or
18 taxes levied and collected on any or all property in
19 the municipality or the full faith and credit of the
20 municipality to pay or secure payment for all or a
21 portion of the redevelopment project costs. The
22 certification shall be filed annually no later than
23 September 1 for the estimated taxes to be distributed
24 in the following year.

25 The conditions of paragraphs (A) through (C) do not apply
26 after December 31, 1999 to payments to a municipal treasurer

1 made by a county with 3,000,000 or more inhabitants that has
2 adopted an estimated billing procedure for collecting taxes. If
3 a county that has adopted the estimated billing procedure makes
4 an erroneous overpayment of tax revenue to the municipal
5 treasurer, then the county may seek a refund of that
6 overpayment. The county shall send the municipal treasurer a
7 notice of liability for the overpayment on or before the
8 mailing date of the next real estate tax bill within the
9 county. The refund shall be limited to the amount of the
10 overpayment.

11 (b) It is the intent of this Act that a municipality's own
12 ad valorem tax arising from levies on taxable real property be
13 included in the determination of incremental revenue in the
14 manner provided in paragraph (b) of Section 11-74.6-40.

15 (c) If a municipality has adopted tax increment allocation
16 financing for a redevelopment project area by ordinance and the
17 county clerk thereafter certifies the total initial equalized
18 assessed value or the total updated initial equalized assessed
19 value of the taxable real property within such redevelopment
20 project area in the manner provided in paragraph (a) or (b) of
21 Section 11-74.6-40, each year after the date of the
22 certification of the total initial equalized assessed value or
23 the total updated initial equalized assessed value until
24 redevelopment project costs and all municipal obligations
25 financing redevelopment project costs have been paid, the ad
26 valorem taxes, if any, arising from the levies upon the taxable

1 real property in the redevelopment project area by taxing
2 districts and tax rates determined in the manner provided in
3 paragraph (b) of Section 11-74.6-40 shall be divided as
4 follows:

5 (1) That portion of the taxes levied upon each taxable
6 lot, block, tract or parcel of real property that is
7 attributable to the lower of the current equalized assessed
8 value or the initial equalized assessed value, or the
9 updated initial equalized assessed value of each parcel if
10 the updated initial equalized assessed value of that parcel
11 has been certified in accordance with Section 11-74.6-40,
12 whichever has been most recently certified, of each taxable
13 lot, block, tract, or parcel of real property existing at
14 the time tax increment allocation financing was adopted in
15 the redevelopment project area, shall be allocated to and
16 when collected shall be paid by the county collector to the
17 respective affected taxing districts in the manner
18 required by law without regard to the adoption of tax
19 increment allocation financing.

20 (2) That portion, if any, of those taxes that is
21 attributable to the increase in the current equalized
22 assessed value of each taxable lot, block, tract, or parcel
23 of real property in the redevelopment project area, over
24 and above the initial equalized assessed value of each
25 property existing at the time tax increment allocation
26 financing was adopted in the redevelopment project area, or

1 the updated initial equalized assessed value of each parcel
2 if the updated initial equalized assessed value of that
3 parcel has been certified in accordance with Section
4 11-74.6-40, shall be allocated to and when collected shall
5 be paid to the municipal treasurer, who shall deposit those
6 taxes into a special fund called the special tax allocation
7 fund of the municipality for the purpose of paying
8 redevelopment project costs and obligations incurred in
9 the payment thereof.

10 (d) The municipality may pledge in the ordinance the funds
11 in and to be deposited in the special tax allocation fund for
12 the payment of redevelopment project costs and obligations. No
13 part of the current equalized assessed value of each property
14 in the redevelopment project area attributable to any increase
15 above the total initial equalized assessed value or the total
16 initial updated equalized assessed value of the property, shall
17 be used in calculating the general ~~General~~ State aid formula
18 ~~School Aid Formula~~, provided for in Section 18-8 of the School
19 Code, or the evidence-based funding formula, provided for in
20 Section 18-8.15 of the School Code, until all redevelopment
21 project costs have been paid as provided for in this Section.

22 Whenever a municipality issues bonds for the purpose of
23 financing redevelopment project costs, that municipality may
24 provide by ordinance for the appointment of a trustee, which
25 may be any trust company within the State, and for the
26 establishment of any funds or accounts to be maintained by that

1 trustee, as the municipality deems necessary to provide for the
2 security and payment of the bonds. If the municipality provides
3 for the appointment of a trustee, the trustee shall be
4 considered the assignee of any payments assigned by the
5 municipality under that ordinance and this Section. Any amounts
6 paid to the trustee as assignee shall be deposited into the
7 funds or accounts established under the trust agreement, and
8 shall be held by the trustee in trust for the benefit of the
9 holders of the bonds. The holders of those bonds shall have a
10 lien on and a security interest in those funds or accounts
11 while the bonds remain outstanding and unpaid. Upon retirement
12 of the bonds, the trustee shall pay over any excess amounts
13 held to the municipality for deposit in the special tax
14 allocation fund.

15 When the redevelopment projects costs, including without
16 limitation all municipal obligations financing redevelopment
17 project costs incurred under this Law, have been paid, all
18 surplus funds then remaining in the special tax allocation fund
19 shall be distributed by being paid by the municipal treasurer
20 to the municipality and the county collector; first to the
21 municipality in direct proportion to the tax incremental
22 revenue received from the municipality, but not to exceed the
23 total incremental revenue received from the municipality,
24 minus any annual surplus distribution of incremental revenue
25 previously made. Any remaining funds shall be paid to the
26 county collector who shall immediately distribute that payment

1 to the taxing districts in the redevelopment project area in
2 the same manner and proportion as the most recent distribution
3 by the county collector to the affected districts of real
4 property taxes from real property situated in the redevelopment
5 project area.

6 Upon the payment of all redevelopment project costs,
7 retirement of obligations and the distribution of any excess
8 moneys under this Section, the municipality shall adopt an
9 ordinance dissolving the special tax allocation fund for the
10 redevelopment project area and terminating the designation of
11 the redevelopment project area as a redevelopment project area.
12 Thereafter the tax levies of taxing districts shall be
13 extended, collected and distributed in the same manner
14 applicable before the adoption of tax increment allocation
15 financing. Municipality shall notify affected taxing districts
16 prior to November if the redevelopment project area is to be
17 terminated by December 31 of that same year.

18 Nothing in this Section shall be construed as relieving
19 property in a redevelopment project area from being assessed as
20 provided in the Property Tax Code or as relieving owners of
21 that property from paying a uniform rate of taxes, as required
22 by Section 4 of Article IX of the Illinois Constitution.

23 (Source: P.A. 91-474, eff. 11-1-99.)

24 Section 40. The Economic Development Project Area Tax
25 Increment Allocation Act of 1995 is amended by changing Section

1 50 as follows:

2 (65 ILCS 110/50)

3 Sec. 50. Special tax allocation fund.

4 (a) If a county clerk has certified the "total initial
5 equalized assessed value" of the taxable real property within
6 an economic development project area in the manner provided in
7 Section 45, each year after the date of the certification by
8 the county clerk of the "total initial equalized assessed
9 value", until economic development project costs and all
10 municipal obligations financing economic development project
11 costs have been paid, the ad valorem taxes, if any, arising
12 from the levies upon the taxable real property in the economic
13 development project area by taxing districts and tax rates
14 determined in the manner provided in subsection (b) of Section
15 45 shall be divided as follows:

16 (1) That portion of the taxes levied upon each taxable
17 lot, block, tract, or parcel of real property that is
18 attributable to the lower of the current equalized assessed
19 value or the initial equalized assessed value of each
20 taxable lot, block, tract, or parcel of real property
21 existing at the time tax increment financing was adopted
22 shall be allocated to (and when collected shall be paid by
23 the county collector to) the respective affected taxing
24 districts in the manner required by law in the absence of
25 the adoption of tax increment allocation financing.

1 (2) That portion, if any, of the taxes that is
2 attributable to the increase in the current equalized
3 assessed valuation of each taxable lot, block, tract, or
4 parcel of real property in the economic development project
5 area, over and above the initial equalized assessed value
6 of each property existing at the time tax increment
7 financing was adopted, shall be allocated to (and when
8 collected shall be paid to) the municipal treasurer, who
9 shall deposit the taxes into a special fund (called the
10 special tax allocation fund of the municipality) for the
11 purpose of paying economic development project costs and
12 obligations incurred in the payment of those costs.

13 (b) The municipality, by an ordinance adopting tax
14 increment allocation financing, may pledge the monies in and to
15 be deposited into the special tax allocation fund for the
16 payment of obligations issued under this Act and for the
17 payment of economic development project costs. No part of the
18 current equalized assessed valuation of each property in the
19 economic development project area attributable to any increase
20 above the total initial equalized assessed value of those
21 properties shall be used in calculating the general State
22 ~~school~~ aid formula under Section 18-8 of the School Code or the
23 evidence-based funding formula under Section 18-8.15 of the
24 School Code, until all economic development projects costs have
25 been paid as provided for in this Section.

26 (c) When the economic development projects costs,

1 including without limitation all municipal obligations
2 financing economic development project costs incurred under
3 this Act, have been paid, all surplus monies then remaining in
4 the special tax allocation fund shall be distributed by being
5 paid by the municipal treasurer to the county collector, who
6 shall immediately pay the monies to the taxing districts having
7 taxable property in the economic development project area in
8 the same manner and proportion as the most recent distribution
9 by the county collector to those taxing districts of real
10 property taxes from real property in the economic development
11 project area.

12 (d) Upon the payment of all economic development project
13 costs, retirement of obligations, and distribution of any
14 excess monies under this Section and not later than 23 years
15 from the date of the adoption of the ordinance establishing the
16 economic development project area, the municipality shall
17 adopt an ordinance dissolving the special tax allocation fund
18 for the economic development project area and terminating the
19 designation of the economic development project area as an
20 economic development project area. Thereafter, the rates of the
21 taxing districts shall be extended and taxes shall be levied,
22 collected, and distributed in the manner applicable in the
23 absence of the adoption of tax increment allocation financing.

24 (e) Nothing in this Section shall be construed as relieving
25 property in the economic development project areas from being
26 assessed as provided in the Property Tax Code or as relieving

1 owners or lessees of that property from paying a uniform rate
2 of taxes as required by Section 4 of Article IX of the Illinois
3 Constitution.

4 (Source: P.A. 98-463, eff. 8-16-13.)

5 Section 45. The School Code is amended by changing Sections
6 1A-8, 1B-5, 1B-6, 1B-7, 1B-8, 1C-1, 1C-2, 1D-1, 1E-20, 1F-20,
7 1F-62, 1H-20, 1H-70, 2-3.33, 2-3.51.5, 2-3.62, 2-3.66,
8 2-3.66b, 2-3.80, 2-3.84, 2-3.109a, 3-14.21, 7-14A, 10-17a,
9 10-19, 10-22.5a, 10-22.20, 10-29, 11E-135, 13A-8, 13B-20.20,
10 13B-45, 13B-50, 13B-50.10, 13B-50.15, 14-7.02, 14-7.02b,
11 14-7.03, 14-13.01, 14C-1, 14C-12, 17-1, 17-1.2, 17-1.5,
12 17-2.11, 17-2A, 18-4.3, 18-8.05, 18-8.10, 18-9, 18-12, 26-16,
13 27-8.1, 27A-9, 27A-11, 29-5, 34-2.3, 34-18, 34-18.30, and
14 34-43.1 and by adding Sections 17-3.6 and 18-8.15 as follows:

15 (105 ILCS 5/1A-8) (from Ch. 122, par. 1A-8)

16 Sec. 1A-8. Powers of the Board in Assisting Districts
17 Deemed in Financial Difficulties. To promote the financial
18 integrity of school districts, the State Board of Education
19 shall be provided the necessary powers to promote sound
20 financial management and continue operation of the public
21 schools.

22 (a) The State Superintendent of Education may require a
23 school district, including any district subject to Article 34A
24 of this Code, to share financial information relevant to a

1 proper investigation of the district's financial condition and
2 the delivery of appropriate State financial, technical, and
3 consulting services to the district if the district (i) has
4 been designated, through the State Board of Education's School
5 District Financial Profile System, as on financial warning or
6 financial watch status, (ii) has failed to file an annual
7 financial report, annual budget, deficit reduction plan, or
8 other financial information as required by law, (iii) has been
9 identified, through the district's annual audit or other
10 financial and management information, as in serious financial
11 difficulty in the current or next school year, or (iv) is
12 determined to be likely to fail to fully meet any regularly
13 scheduled, payroll-period obligations when due or any debt
14 service payments when due or both. In addition to financial,
15 technical, and consulting services provided by the State Board
16 of Education, at the request of a school district, the State
17 Superintendent may provide for an independent financial
18 consultant to assist the district review its financial
19 condition and options.

20 (b) The State Board of Education, after proper
21 investigation of a district's financial condition, may certify
22 that a district, including any district subject to Article 34A,
23 is in financial difficulty when any of the following conditions
24 occur:

25 (1) The district has issued school or teacher orders
26 for wages as permitted in Sections 8-16, 32-7.2 and 34-76

1 of this Code.

2 (2) The district has issued tax anticipation warrants
3 or tax anticipation notes in anticipation of a second
4 year's taxes when warrants or notes in anticipation of
5 current year taxes are still outstanding, as authorized by
6 Sections 17-16, 34-23, 34-59 and 34-63 of this Code, or has
7 issued short-term debt against 2 future revenue sources,
8 such as, but not limited to, tax anticipation warrants and
9 general State aid or evidence-based funding ~~Aid~~
10 certificates or tax anticipation warrants and revenue
11 anticipation notes.

12 (3) The district has for 2 consecutive years shown an
13 excess of expenditures and other financing uses over
14 revenues and other financing sources and beginning fund
15 balances on its annual financial report for the aggregate
16 totals of the Educational, Operations and Maintenance,
17 Transportation, and Working Cash Funds.

18 (4) The district refuses to provide financial
19 information or cooperate with the State Superintendent in
20 an investigation of the district's financial condition.

21 (5) The district is likely to fail to fully meet any
22 regularly scheduled, payroll-period obligations when due
23 or any debt service payments when due or both.

24 No school district shall be certified by the State Board of
25 Education to be in financial difficulty solely by reason of any
26 of the above circumstances arising as a result of (i) the

1 failure of the county to make any distribution of property tax
2 money due the district at the time such distribution is due or
3 (ii) the failure of this State to make timely payments of
4 general State aid, evidence-based funding, or any of the
5 mandated categoricals; or if the district clearly demonstrates
6 to the satisfaction of the State Board of Education at the time
7 of its determination that such condition no longer exists. If
8 the State Board of Education certifies that a district in a
9 city with 500,000 inhabitants or more is in financial
10 difficulty, the State Board shall so notify the Governor and
11 the Mayor of the city in which the district is located. The
12 State Board of Education may require school districts certified
13 in financial difficulty, except those districts subject to
14 Article 34A, to develop, adopt and submit a financial plan
15 within 45 days after certification of financial difficulty. The
16 financial plan shall be developed according to guidelines
17 presented to the district by the State Board of Education
18 within 14 days of certification. Such guidelines shall address
19 the specific nature of each district's financial difficulties.
20 Any proposed budget of the district shall be consistent with
21 the financial plan submitted to and approved by the State Board
22 of Education.

23 A district certified to be in financial difficulty, other
24 than a district subject to Article 34A, shall report to the
25 State Board of Education at such times and in such manner as
26 the State Board may direct, concerning the district's

1 compliance with each financial plan. The State Board may review
2 the district's operations, obtain budgetary data and financial
3 statements, require the district to produce reports, and have
4 access to any other information in the possession of the
5 district that it deems relevant. The State Board may issue
6 recommendations or directives within its powers to the district
7 to assist in compliance with the financial plan. The district
8 shall produce such budgetary data, financial statements,
9 reports and other information and comply with such directives.
10 If the State Board of Education determines that a district has
11 failed to comply with its financial plan, the State Board of
12 Education may rescind approval of the plan and appoint a
13 Financial Oversight Panel for the district as provided in
14 Section 1B-4. This action shall be taken only after the
15 district has been given notice and an opportunity to appear
16 before the State Board of Education to discuss its failure to
17 comply with its financial plan.

18 No bonds, notes, teachers orders, tax anticipation
19 warrants or other evidences of indebtedness shall be issued or
20 sold by a school district or be legally binding upon or
21 enforceable against a local board of education of a district
22 certified to be in financial difficulty unless and until the
23 financial plan required under this Section has been approved by
24 the State Board of Education.

25 Any financial profile compiled and distributed by the State
26 Board of Education in Fiscal Year 2009 or any fiscal year

1 thereafter shall incorporate such adjustments as may be needed
2 in the profile scores to reflect the financial effects of the
3 inability or refusal of the State of Illinois to make timely
4 disbursements of any general State aid, evidence-based
5 funding, or mandated categorical aid payments due school
6 districts or to fully reimburse school districts for mandated
7 categorical programs pursuant to reimbursement formulas
8 provided in this School Code.

9 (Source: P.A. 96-668, eff. 8-25-09; 96-1423, eff. 8-3-10;
10 97-429, eff. 8-16-11.)

11 (105 ILCS 5/1B-5) (from Ch. 122, par. 1B-5)

12 Sec. 1B-5. When a petition for emergency financial
13 assistance for a school district is allowed by the State Board
14 under Section 1B-4, the State Superintendent shall within 10
15 days thereafter appoint 3 members to serve at the State
16 Superintendent's pleasure on a Financial Oversight Panel for
17 the district. The State Superintendent shall designate one of
18 the members of the Panel to serve as its Chairman. In the event
19 of vacancy or resignation the State Superintendent shall
20 appoint a successor within 10 days of receiving notice thereof.

21 Members of the Panel shall be selected primarily on the
22 basis of their experience and education in financial
23 management, with consideration given to persons knowledgeable
24 in education finance. A member of the Panel may not be a board
25 member or employee of the district for which the Panel is

1 constituted, nor may a member have a direct financial interest
2 in that district.

3 Panel members shall serve without compensation, but may be
4 reimbursed for travel and other necessary expenses incurred in
5 the performance of their official duties by the State Board.
6 The amount reimbursed Panel members for their expenses shall be
7 charged to the school district as part of any emergency
8 financial assistance and incorporated as a part of the terms
9 and conditions for repayment of such assistance or shall be
10 deducted from the district's general State aid or
11 evidence-based funding as provided in Section 1B-8.

12 The first meeting of the Panel shall be held at the call of
13 the Chairman. The Panel may elect such other officers as it
14 deems appropriate. The Panel shall prescribe the times and
15 places for its meetings and the manner in which regular and
16 special meetings may be called, and shall comply with the Open
17 Meetings Act.

18 Two members of the Panel shall constitute a quorum, and the
19 affirmative vote of 2 members shall be necessary for any
20 decision or action to be taken by the Panel.

21 The Panel and the State Superintendent shall cooperate with
22 each other in the exercise of their respective powers. The
23 Panel shall report not later than September 1 annually to the
24 State Board and the State Superintendent with respect to its
25 activities and the condition of the school district for the
26 previous fiscal year.

1 Any Financial Oversight Panel established under this
2 Article shall remain in existence for not less than 3 years nor
3 more than 10 years from the date the State Board grants the
4 petition under Section 1B-4. If after 3 years the school
5 district has repaid all of its obligations resulting from
6 emergency State financial assistance provided under this
7 Article and has improved its financial situation, the board of
8 education may, not more frequently than once in any 12 month
9 period, petition the State Board to dissolve the Financial
10 Oversight Panel, terminate the oversight responsibility, and
11 remove the district's certification under Section 1A-8 as a
12 district in financial difficulty. In acting on such a petition
13 the State Board shall give additional weight to the
14 recommendations of the State Superintendent and the Financial
15 Oversight Panel.

16 (Source: P.A. 88-618, eff. 9-9-94.)

17 (105 ILCS 5/1B-6) (from Ch. 122, par. 1B-6)

18 Sec. 1B-6. General powers. The purpose of the Financial
19 Oversight Panel shall be to exercise financial control over the
20 board of education, and, when approved by the State Board and
21 the State Superintendent of Education, to furnish financial
22 assistance so that the board can provide public education
23 within the board's jurisdiction while permitting the board to
24 meet its obligations to its creditors and the holders of its
25 notes and bonds. Except as expressly limited by this Article,

1 the Panel shall have all powers necessary to meet its
2 responsibilities and to carry out its purposes and the purposes
3 of this Article, including, but not limited to, the following
4 powers:

5 (a) to sue and be sued;

6 (b) to provide for its organization and internal
7 management;

8 (c) to appoint a Financial Administrator to serve as the
9 chief executive officer of the Panel. The Financial
10 Administrator may be an individual, partnership, corporation,
11 including an accounting firm, or other entity determined by the
12 Panel to be qualified to serve; and to appoint other officers,
13 agents, and employees of the Panel, define their duties and
14 qualifications and fix their compensation and employee
15 benefits;

16 (d) to approve the local board of education appointments to
17 the positions of treasurer in a Class I county school unit and
18 in each school district which forms a part of a Class II county
19 school unit but which no longer is subject to the jurisdiction
20 and authority of a township treasurer or trustees of schools of
21 a township because the district has withdrawn from the
22 jurisdiction and authority of the township treasurer and the
23 trustees of schools of the township or because those offices
24 have been abolished as provided in subsection (b) or (c) of
25 Section 5-1, and chief school business official, if such
26 official is not the superintendent of the district. Either the

1 board or the Panel may remove such treasurer or chief school
2 business official;

3 (e) to approve any and all bonds, notes, teachers orders,
4 tax anticipation warrants, and other evidences of indebtedness
5 prior to issuance or sale by the school district; and
6 notwithstanding any other provision of The School Code, as now
7 or hereafter amended, no bonds, notes, teachers orders, tax
8 anticipation warrants or other evidences of indebtedness shall
9 be issued or sold by the school district or be legally binding
10 upon or enforceable against the local board of education unless
11 and until the approval of the Panel has been received;

12 (f) to approve all property tax levies of the school
13 district and require adjustments thereto as the Panel deems
14 necessary or advisable;

15 (g) to require and approve a school district financial
16 plan;

17 (h) to approve and require revisions of the school district
18 budget;

19 (i) to approve all contracts and other obligations as the
20 Panel deems necessary and appropriate;

21 (j) to authorize emergency State financial assistance,
22 including requirements regarding the terms and conditions of
23 repayment of such assistance, and to require the board of
24 education to levy a separate local property tax, subject to the
25 limitations of Section 1B-8, sufficient to repay such
26 assistance consistent with the terms and conditions of

1 repayment and the district's approved financial plan and
2 budget;

3 (k) to request the regional superintendent to make
4 appointments to fill all vacancies on the local school board as
5 provided in Section 10-10;

6 (l) to recommend dissolution or reorganization of the
7 school district to the General Assembly if in the Panel's
8 judgment the circumstances so require;

9 (m) to direct a phased reduction in the oversight
10 responsibilities of the Financial Administrator and of the
11 Panel as the circumstances permit;

12 (n) to determine the amount of emergency State financial
13 assistance to be made available to the school district, and to
14 establish an operating budget for the Panel to be supported by
15 funds available from such assistance, with the assistance and
16 the budget required to be approved by the State Superintendent;

17 (o) to procure insurance against any loss in such amounts
18 and from such insurers as it deems necessary;

19 (p) to engage the services of consultants for rendering
20 professional and technical assistance and advice on matters
21 within the Panel's power;

22 (q) to contract for and to accept any gifts, grants or
23 loans of funds or property or financial or other aid in any
24 form from the federal government, State government, unit of
25 local government, school district or any agency or
26 instrumentality thereof, or from any other private or public

1 source, and to comply with the terms and conditions thereof;

2 (r) to pay the expenses of its operations based on the
3 Panel's budget as approved by the State Superintendent from
4 emergency financial assistance funds available to the district
5 or from deductions from the district's general State aid or
6 evidence-based funding;

7 (s) to do any and all things necessary or convenient to
8 carry out its purposes and exercise the powers given to the
9 Panel by this Article; and

10 (t) to recommend the creation of a school finance authority
11 pursuant to Article 1F of this Code.

12 (Source: P.A. 91-357, eff. 7-29-99; 92-855, eff. 12-6-02.)

13 (105 ILCS 5/1B-7) (from Ch. 122, par. 1B-7)

14 Sec. 1B-7. Financial Administrator; Powers and Duties. The
15 Financial Administrator appointed by the Financial Oversight
16 Panel shall serve as the Panel's chief executive officer. The
17 Financial Administrator shall exercise the powers and duties
18 required by the Panel, including but not limited to the
19 following:

20 (a) to provide guidance and recommendations to the local
21 board and officials of the school district in developing the
22 district's financial plan and budget prior to board action;

23 (b) to direct the local board to reorganize its financial
24 accounts, budgetary systems, and internal accounting and
25 financial controls, in whatever manner the Panel deems

1 appropriate to achieve greater financial responsibility and to
2 reduce financial inefficiency, and to provide technical
3 assistance to aid the district in accomplishing the
4 reorganization;

5 (c) to make recommendations to the Financial Oversight
6 Panel concerning the school district's financial plan and
7 budget, and all other matters within the scope of the Panel's
8 authority;

9 (d) to prepare and recommend to the Panel a proposal for
10 emergency State financial assistance for the district,
11 including recommended terms and conditions of repayment, and an
12 operations budget for the Panel to be funded from the emergency
13 assistance or from deductions from the district's general State
14 aid or evidence-based funding;

15 (e) to require the local board to prepare and submit
16 preliminary staffing and budgetary analyses annually prior to
17 February 1 in such manner and form as the Financial
18 Administrator shall prescribe; and

19 (f) subject to the direction of the Panel, to do all other
20 things necessary or convenient to carry out its purposes and
21 exercise the powers given to the Panel under this Article.

22 (Source: P.A. 88-618, eff. 9-9-94.)

23 (105 ILCS 5/1B-8) (from Ch. 122, par. 1B-8)

24 Sec. 1B-8. There is created in the State Treasury a special
25 fund to be known as the School District Emergency Financial

1 Assistance Fund (the "Fund"). The School District Emergency
2 Financial Assistance Fund shall consist of appropriations,
3 loan repayments, grants from the federal government, and
4 donations from any public or private source. Moneys in the Fund
5 may be appropriated only to the Illinois Finance Authority and
6 the State Board for those purposes authorized under this
7 Article and Articles 1F and 1H of this Code. The appropriation
8 may be allocated and expended by the State Board for
9 contractual services to provide technical assistance or
10 consultation to school districts to assess their financial
11 condition and to Financial Oversight Panels that petition for
12 emergency financial assistance grants. The Illinois Finance
13 Authority may provide loans to school districts which are the
14 subject of an approved petition for emergency financial
15 assistance under Section 1B-4, 1F-62, or 1H-65 of this Code.
16 Neither the State Board of Education nor the Illinois Finance
17 Authority may collect any fees for providing these services.

18 From the amount allocated to each such school district
19 under this Article the State Board shall identify a sum
20 sufficient to cover all approved costs of the Financial
21 Oversight Panel established for the respective school
22 district. If the State Board and State Superintendent of
23 Education have not approved emergency financial assistance in
24 conjunction with the appointment of a Financial Oversight
25 Panel, the Panel's approved costs shall be paid from deductions
26 from the district's general State aid or evidence-based

1 funding.

2 The Financial Oversight Panel may prepare and file with the
3 State Superintendent a proposal for emergency financial
4 assistance for the school district and for its operations
5 budget. No expenditures from the Fund shall be authorized by
6 the State Superintendent until he or she has approved the
7 request of the Panel, either as submitted or in such lesser
8 amount determined by the State Superintendent.

9 The maximum amount of an emergency financial assistance
10 loan which may be allocated to any school district under this
11 Article, including moneys necessary for the operations of the
12 Panel, shall not exceed \$4,000 times the number of pupils
13 enrolled in the school district during the school year ending
14 June 30 prior to the date of approval by the State Board of the
15 petition for emergency financial assistance, as certified to
16 the local board and the Panel by the State Superintendent. An
17 emergency financial assistance grant shall not exceed \$1,000
18 times the number of such pupils. A district may receive both a
19 loan and a grant.

20 The payment of an emergency State financial assistance
21 grant or loan shall be subject to appropriation by the General
22 Assembly. Payment of the emergency State financial assistance
23 loan is subject to the applicable provisions of the Illinois
24 Finance Authority Act. Emergency State financial assistance
25 allocated and paid to a school district under this Article may
26 be applied to any fund or funds from which the local board of

1 education of that district is authorized to make expenditures
2 by law.

3 Any emergency financial assistance grant proposed by the
4 Financial Oversight Panel and approved by the State
5 Superintendent may be paid in its entirety during the initial
6 year of the Panel's existence or spread in equal or declining
7 amounts over a period of years not to exceed the period of the
8 Panel's existence. An emergency financial assistance loan
9 proposed by the Financial Oversight Panel and approved by the
10 Illinois Finance Authority may be paid in its entirety during
11 the initial year of the Panel's existence or spread in equal or
12 declining amounts over a period of years not to exceed the
13 period of the Panel's existence. All loans made by the Illinois
14 Finance Authority for a school district shall be required to be
15 repaid, with simple interest over the term of the loan at a
16 rate equal to 50% of the one-year Constant Maturity Treasury
17 (CMT) yield as last published by the Board of Governors of the
18 Federal Reserve System before the date on which the district's
19 loan is approved by the Illinois Finance Authority, not later
20 than the date the Financial Oversight Panel ceases to exist.
21 The Panel shall establish and the Illinois Finance Authority
22 shall approve the terms and conditions, including the schedule,
23 of repayments. The schedule shall provide for repayments
24 commencing July 1 of each year or upon each fiscal year's
25 receipt of moneys from a tax levy for emergency financial
26 assistance. Repayment shall be incorporated into the annual

1 budget of the school district and may be made from any fund or
2 funds of the district in which there are moneys available. An
3 emergency financial assistance loan to the Panel or district
4 shall not be considered part of the calculation of a district's
5 debt for purposes of the limitation specified in Section 19-1
6 of this Code. Default on repayment is subject to the Illinois
7 Grant Funds Recovery Act. When moneys are repaid as provided
8 herein they shall not be made available to the local board for
9 further use as emergency financial assistance under this
10 Article at any time thereafter. All repayments required to be
11 made by a school district shall be received by the State Board
12 and deposited in the School District Emergency Financial
13 Assistance Fund.

14 In establishing the terms and conditions for the repayment
15 obligation of the school district the Panel shall annually
16 determine whether a separate local property tax levy is
17 required. The board of any school district with a tax rate for
18 educational purposes for the prior year of less than 120% of
19 the maximum rate for educational purposes authorized by Section
20 17-2 shall provide for a separate tax levy for emergency
21 financial assistance repayment purposes. Such tax levy shall
22 not be subject to referendum approval. The amount of the levy
23 shall be equal to the amount necessary to meet the annual
24 repayment obligations of the district as established by the
25 Panel, or 20% of the amount levied for educational purposes for
26 the prior year, whichever is less. However, no district shall

1 be required to levy the tax if the district's operating tax
2 rate as determined under Section 18-8, ~~or~~ 18-8.05, or 18-8.15
3 exceeds 200% of the district's tax rate for educational
4 purposes for the prior year.

5 (Source: P.A. 97-429, eff. 8-16-11.)

6 (105 ILCS 5/1C-1)

7 Sec. 1C-1. Purpose. The purpose of this Article is to
8 permit greater flexibility and efficiency in the distribution
9 and use of certain State funds available to local education
10 agencies for the improvement of the quality of educational
11 services pursuant to locally established priorities.

12 Through fiscal year 2017, this ~~This~~ Article does not apply
13 to school districts having a population in excess of 500,000
14 inhabitants.

15 (Source: P.A. 88-555, eff. 7-27-94; 89-15, eff. 5-30-95;
16 89-397, eff. 8-20-95; 89-626, eff. 8-9-96.)

17 (105 ILCS 5/1C-2)

18 Sec. 1C-2. Block grants.

19 (a) For fiscal year 1999, and each fiscal year thereafter,
20 the State Board of Education shall award to school districts
21 block grants as described in subsection (c). The State Board of
22 Education may adopt rules and regulations necessary to
23 implement this Section. In accordance with Section 2-3.32, all
24 state block grants are subject to an audit. Therefore, block

1 grant receipts and block grant expenditures shall be recorded
2 to the appropriate fund code.

3 (b) (Blank).

4 (c) An Early Childhood Education Block Grant shall be
5 created by combining the following programs: Preschool
6 Education, Parental Training and Prevention Initiative. These
7 funds shall be distributed to school districts and other
8 entities on a competitive basis, except that the State Board of
9 Education shall award to a school district having a population
10 exceeding 500,000 inhabitants 37% of the funds in each fiscal
11 year. Not less than 14% of the Early Childhood Education Block
12 Grant allocation of funds shall be used to fund programs for
13 children ages 0-3. Beginning in Fiscal Year 2016, at least 25%
14 of any additional Early Childhood Education Block Grant funding
15 over and above the previous fiscal year's allocation shall be
16 used to fund programs for children ages 0-3. Once the
17 percentage of Early Childhood Education Block Grant funding
18 allocated to programs for children ages 0-3 reaches 20% of the
19 overall Early Childhood Education Block Grant allocation for a
20 full fiscal year, thereafter in subsequent fiscal years the
21 percentage of Early Childhood Education Block Grant funding
22 allocated to programs for children ages 0-3 each fiscal year
23 shall remain at least 20% of the overall Early Childhood
24 Education Block Grant allocation. However, if, in a given
25 fiscal year, the amount appropriated for the Early Childhood
26 Education Block Grant is insufficient to increase the

1 percentage of the grant to fund programs for children ages 0-3
2 without reducing the amount of the grant for existing providers
3 of preschool education programs, then the percentage of the
4 grant to fund programs for children ages 0-3 may be held steady
5 instead of increased.

6 (Source: P.A. 98-645, eff. 7-1-14; 99-589, eff. 7-21-16.)

7 (105 ILCS 5/1D-1)

8 Sec. 1D-1. Block grant funding.

9 (a) For fiscal year 1996 through fiscal year 2017 ~~and each~~
10 ~~fiscal year thereafter~~, the State Board of Education shall
11 award to a school district having a population exceeding
12 500,000 inhabitants a general education block grant and an
13 educational services block grant, determined as provided in
14 this Section, in lieu of distributing to the district separate
15 State funding for the programs described in subsections (b) and
16 (c). The provisions of this Section, however, do not apply to
17 any federal funds that the district is entitled to receive. In
18 accordance with Section 2-3.32, all block grants are subject to
19 an audit. Therefore, block grant receipts and block grant
20 expenditures shall be recorded to the appropriate fund code for
21 the designated block grant.

22 (b) The general education block grant shall include the
23 following programs: REI Initiative, Summer Bridges, Preschool
24 At Risk, K-6 Comprehensive Arts, School Improvement Support,
25 Urban Education, Scientific Literacy, Substance Abuse

1 Prevention, Second Language Planning, Staff Development,
2 Outcomes and Assessment, K-6 Reading Improvement, 7-12
3 Continued Reading Improvement, Truants' Optional Education,
4 Hispanic Programs, Agriculture Education, Parental Education,
5 Prevention Initiative, Report Cards, and Criminal Background
6 Investigations. Notwithstanding any other provision of law,
7 all amounts paid under the general education block grant from
8 State appropriations to a school district in a city having a
9 population exceeding 500,000 inhabitants shall be appropriated
10 and expended by the board of that district for any of the
11 programs included in the block grant or any of the board's
12 lawful purposes.

13 (c) The educational services block grant shall include the
14 following programs: Regular and Vocational Transportation,
15 State Lunch and Free Breakfast Program, Special Education
16 (Personnel, Transportation, Orphanage, Private Tuition),
17 funding for children requiring special education services,
18 Summer School, Educational Service Centers, and
19 Administrator's Academy. This subsection (c) does not relieve
20 the district of its obligation to provide the services required
21 under a program that is included within the educational
22 services block grant. It is the intention of the General
23 Assembly in enacting the provisions of this subsection (c) to
24 relieve the district of the administrative burdens that impede
25 efficiency and accompany single-program funding. The General
26 Assembly encourages the board to pursue mandate waivers

1 pursuant to Section 2-3.25g.

2 The funding program included in the educational services
3 block grant for funding for children requiring special
4 education services in each fiscal year shall be treated in that
5 fiscal year as a payment to the school district in respect of
6 services provided or costs incurred in the prior fiscal year,
7 calculated in each case as provided in this Section. Nothing in
8 this Section shall change the nature of payments for any
9 program that, apart from this Section, would be or, prior to
10 adoption or amendment of this Section, was on the basis of a
11 payment in a fiscal year in respect of services provided or
12 costs incurred in the prior fiscal year, calculated in each
13 case as provided in this Section.

14 (d) For fiscal year 1996 through fiscal year 2017 ~~and each~~
15 ~~fiscal year thereafter~~, the amount of the district's block
16 grants shall be determined as follows: (i) with respect to each
17 program that is included within each block grant, the district
18 shall receive an amount equal to the same percentage of the
19 current fiscal year appropriation made for that program as the
20 percentage of the appropriation received by the district from
21 the 1995 fiscal year appropriation made for that program, and
22 (ii) the total amount that is due the district under the block
23 grant shall be the aggregate of the amounts that the district
24 is entitled to receive for the fiscal year with respect to each
25 program that is included within the block grant that the State
26 Board of Education shall award the district under this Section

1 for that fiscal year. In the case of the Summer Bridges
2 program, the amount of the district's block grant shall be
3 equal to 44% of the amount of the current fiscal year
4 appropriation made for that program.

5 (e) The district is not required to file any application or
6 other claim in order to receive the block grants to which it is
7 entitled under this Section. The State Board of Education shall
8 make payments to the district of amounts due under the
9 district's block grants on a schedule determined by the State
10 Board of Education.

11 (f) A school district to which this Section applies shall
12 report to the State Board of Education on its use of the block
13 grants in such form and detail as the State Board of Education
14 may specify. In addition, the report must include the following
15 description for the district, which must also be reported to
16 the General Assembly: block grant allocation and expenditures
17 by program; population and service levels by program; and
18 administrative expenditures by program. The State Board of
19 Education shall ensure that the reporting requirements for the
20 district are the same as for all other school districts in this
21 State.

22 (g) Through fiscal year 2017, this ~~This~~ paragraph provides
23 for the treatment of block grants under Article 1C for purposes
24 of calculating the amount of block grants for a district under
25 this Section. Those block grants under Article 1C are, for this
26 purpose, treated as included in the amount of appropriation for

1 the various programs set forth in paragraph (b) above. The
2 appropriation in each current fiscal year for each block grant
3 under Article 1C shall be treated for these purposes as
4 appropriations for the individual program included in that
5 block grant. The proportion of each block grant so allocated to
6 each such program included in it shall be the proportion which
7 the appropriation for that program was of all appropriations
8 for such purposes now in that block grant, in fiscal 1995.

9 Payments to the school district under this Section with
10 respect to each program for which payments to school districts
11 generally, as of the date of this amendatory Act of the 92nd
12 General Assembly, are on a reimbursement basis shall continue
13 to be made to the district on a reimbursement basis, pursuant
14 to the provisions of this Code governing those programs.

15 (h) Notwithstanding any other provision of law, any school
16 district receiving a block grant under this Section may
17 classify all or a portion of the funds that it receives in a
18 particular fiscal year from any block grant authorized under
19 this Code or from general State aid pursuant to Section 18-8.05
20 of this Code (other than supplemental general State aid) as
21 funds received in connection with any funding program for which
22 it is entitled to receive funds from the State in that fiscal
23 year (including, without limitation, any funding program
24 referred to in subsection (c) of this Section), regardless of
25 the source or timing of the receipt. The district may not
26 classify more funds as funds received in connection with the

1 funding program than the district is entitled to receive in
2 that fiscal year for that program. Any classification by a
3 district must be made by a resolution of its board of
4 education. The resolution must identify the amount of any block
5 grant or general State aid to be classified under this
6 subsection (h) and must specify the funding program to which
7 the funds are to be treated as received in connection
8 therewith. This resolution is controlling as to the
9 classification of funds referenced therein. A certified copy of
10 the resolution must be sent to the State Superintendent of
11 Education. The resolution shall still take effect even though a
12 copy of the resolution has not been sent to the State
13 Superintendent of Education in a timely manner. No
14 classification under this subsection (h) by a district shall
15 affect the total amount or timing of money the district is
16 entitled to receive under this Code. No classification under
17 this subsection (h) by a district shall in any way relieve the
18 district from or affect any requirements that otherwise would
19 apply with respect to the block grant as provided in this
20 Section, including any accounting of funds by source, reporting
21 expenditures by original source and purpose, reporting
22 requirements, or requirements of provision of services.

23 (Source: P.A. 97-238, eff. 8-2-11; 97-324, eff. 8-12-11;
24 97-813, eff. 7-13-12.)

1 (This Section scheduled to be repealed in accordance with
2 105 ILCS 5/1E-165)

3 Sec. 1E-20. Members of Authority; meetings.

4 (a) When a petition for a School Finance Authority is
5 allowed by the State Board under Section 1E-15 of this Code,
6 the State Superintendent shall within 10 days thereafter
7 appoint 5 members to serve on a School Finance Authority for
8 the district. Of the initial members, 2 shall be appointed to
9 serve a term of 2 years and 3 shall be appointed to serve a term
10 of 3 years. Thereafter, each member shall serve for a term of 3
11 years and until his or her successor has been appointed. The
12 State Superintendent shall designate one of the members of the
13 Authority to serve as its Chairperson. In the event of vacancy
14 or resignation, the State Superintendent shall, within 10 days
15 after receiving notice, appoint a successor to serve out that
16 member's term. The State Superintendent may remove a member for
17 incompetence, malfeasance, neglect of duty, or other just
18 cause.

19 Members of the Authority shall be selected primarily on the
20 basis of their experience and education in financial
21 management, with consideration given to persons knowledgeable
22 in education finance. Two members of the Authority shall be
23 residents of the school district that the Authority serves. A
24 member of the Authority may not be a member of the district's
25 school board or an employee of the district nor may a member
26 have a direct financial interest in the district.

1 Authority members shall serve without compensation, but
2 may be reimbursed by the State Board for travel and other
3 necessary expenses incurred in the performance of their
4 official duties. Unless paid from bonds issued under Section
5 1E-65 of this Code, the amount reimbursed members for their
6 expenses shall be charged to the school district as part of any
7 emergency financial assistance and incorporated as a part of
8 the terms and conditions for repayment of the assistance or
9 shall be deducted from the district's general State aid or
10 evidence-based funding as provided in Section 1B-8 of this
11 Code.

12 The Authority may elect such officers as it deems
13 appropriate.

14 (b) The first meeting of the Authority shall be held at the
15 call of the Chairperson. The Authority shall prescribe the
16 times and places for its meetings and the manner in which
17 regular and special meetings may be called and shall comply
18 with the Open Meetings Act.

19 Three members of the Authority shall constitute a quorum.
20 When a vote is taken upon any measure before the Authority, a
21 quorum being present, a majority of the votes of the members
22 voting on the measure shall determine the outcome.

23 (Source: P.A. 92-547, eff. 6-13-02.)

24 (105 ILCS 5/1F-20)

25 (This Section scheduled to be repealed in accordance with 105

1 ILCS 5/1F-165)

2 Sec. 1F-20. Members of Authority; meetings.

3 (a) Upon establishment of a School Finance Authority under
4 Section 1F-15 of this Code, the State Superintendent shall
5 within 15 days thereafter appoint 5 members to serve on a
6 School Finance Authority for the district. Of the initial
7 members, 2 shall be appointed to serve a term of 2 years and 3
8 shall be appointed to serve a term of 3 years. Thereafter, each
9 member shall serve for a term of 3 years and until his or her
10 successor has been appointed. The State Superintendent shall
11 designate one of the members of the Authority to serve as its
12 Chairperson. In the event of vacancy or resignation, the State
13 Superintendent shall, within 10 days after receiving notice,
14 appoint a successor to serve out that member's term. The State
15 Superintendent may remove a member for incompetence,
16 malfeasance, neglect of duty, or other just cause.

17 Members of the Authority shall be selected primarily on the
18 basis of their experience and education in financial
19 management, with consideration given to persons knowledgeable
20 in education finance. Two members of the Authority shall be
21 residents of the school district that the Authority serves. A
22 member of the Authority may not be a member of the district's
23 school board or an employee of the district nor may a member
24 have a direct financial interest in the district.

25 Authority members shall be paid a stipend approved by the
26 State Superintendent of not more than \$100 per meeting and may

1 be reimbursed by the State Board for travel and other necessary
2 expenses incurred in the performance of their official duties.
3 Unless paid from bonds issued under Section 1F-65 of this Code,
4 the amount reimbursed members for their expenses shall be
5 charged to the school district as part of any emergency
6 financial assistance and incorporated as a part of the terms
7 and conditions for repayment of the assistance or shall be
8 deducted from the district's general State aid or
9 evidence-based funding as provided in Section 1B-8 of this
10 Code.

11 The Authority may elect such officers as it deems
12 appropriate.

13 (b) The first meeting of the Authority shall be held at the
14 call of the Chairperson. The Authority shall prescribe the
15 times and places for its meetings and the manner in which
16 regular and special meetings may be called and shall comply
17 with the Open Meetings Act.

18 Three members of the Authority shall constitute a quorum.
19 When a vote is taken upon any measure before the Authority, a
20 quorum being present, a majority of the votes of the members
21 voting on the measure shall determine the outcome.

22 (Source: P.A. 94-234, eff. 7-1-06.)

23 (105 ILCS 5/1F-62)

24 (This Section scheduled to be repealed in accordance with 105
25 ILCS 5/1F-165)

1 Sec. 1F-62. School District Emergency Financial Assistance
2 Fund; grants and loans.

3 (a) Moneys in the School District Emergency Financial
4 Assistance Fund established under Section 1B-8 of this Code may
5 be allocated and expended by the State Board as grants to
6 provide technical and consulting services to school districts
7 to assess their financial condition and by the Illinois Finance
8 Authority for emergency financial assistance loans to a School
9 Finance Authority that petitions for emergency financial
10 assistance. An emergency financial assistance loan to a School
11 Finance Authority or borrowing from sources other than the
12 State shall not be considered as part of the calculation of a
13 district's debt for purposes of the limitation specified in
14 Section 19-1 of this Code. From the amount allocated to each
15 School Finance Authority, the State Board shall identify a sum
16 sufficient to cover all approved costs of the School Finance
17 Authority. If the State Board and State Superintendent have not
18 approved emergency financial assistance in conjunction with
19 the appointment of a School Finance Authority, the Authority's
20 approved costs shall be paid from deductions from the
21 district's general State aid or evidence-based funding.

22 The School Finance Authority may prepare and file with the
23 State Superintendent a proposal for emergency financial
24 assistance for the school district and for its operations
25 budget. No expenditures shall be authorized by the State
26 Superintendent until he or she has approved the proposal of the

1 School Finance Authority, either as submitted or in such lesser
2 amount determined by the State Superintendent.

3 (b) The amount of an emergency financial assistance loan
4 that may be allocated to a School Finance Authority under this
5 Article, including moneys necessary for the operations of the
6 School Finance Authority, and borrowing from sources other than
7 the State shall not exceed, in the aggregate, \$4,000 times the
8 number of pupils enrolled in the district during the school
9 year ending June 30 prior to the date of approval by the State
10 Board of the petition for emergency financial assistance, as
11 certified to the school board and the School Finance Authority
12 by the State Superintendent. However, this limitation does not
13 apply to borrowing by the district secured by amounts levied by
14 the district prior to establishment of the School Finance
15 Authority. An emergency financial assistance grant shall not
16 exceed \$1,000 times the number of such pupils. A district may
17 receive both a loan and a grant.

18 (c) The payment of a State emergency financial assistance
19 grant or loan shall be subject to appropriation by the General
20 Assembly. State emergency financial assistance allocated and
21 paid to a School Finance Authority under this Article may be
22 applied to any fund or funds from which the School Finance
23 Authority is authorized to make expenditures by law.

24 (d) Any State emergency financial assistance proposed by
25 the School Finance Authority and approved by the State
26 Superintendent may be paid in its entirety during the initial

1 year of the School Finance Authority's existence or spread in
2 equal or declining amounts over a period of years not to exceed
3 the period of the School Finance Authority's existence. The
4 State Superintendent shall not approve any loan to the School
5 Finance Authority unless the School Finance Authority has been
6 unable to borrow sufficient funds to operate the district.

7 All loan payments made from the School District Emergency
8 Financial Assistance Fund to a School Finance Authority shall
9 be required to be repaid not later than the date the School
10 Finance Authority ceases to exist, with simple interest over
11 the term of the loan at a rate equal to 50% of the one-year
12 Constant Maturity Treasury (CMT) yield as last published by the
13 Board of Governors of the Federal Reserve System before the
14 date on which the School Finance Authority's loan is approved
15 by the State Board.

16 The School Finance Authority shall establish and the
17 Illinois Finance Authority shall approve the terms and
18 conditions of the loan, including the schedule of repayments.
19 The schedule shall provide for repayments commencing July 1 of
20 each year or upon each fiscal year's receipt of moneys from a
21 tax levy for emergency financial assistance. Repayment shall be
22 incorporated into the annual budget of the district and may be
23 made from any fund or funds of the district in which there are
24 moneys available. Default on repayment is subject to the
25 Illinois Grant Funds Recovery Act. When moneys are repaid as
26 provided in this Section, they shall not be made available to

1 the School Finance Authority for further use as emergency
2 financial assistance under this Article at any time thereafter.
3 All repayments required to be made by a School Finance
4 Authority shall be received by the State Board and deposited in
5 the School District Emergency Financial Assistance Fund.

6 In establishing the terms and conditions for the repayment
7 obligation of the School Finance Authority, the School Finance
8 Authority shall annually determine whether a separate local
9 property tax levy is required to meet that obligation. The
10 School Finance Authority shall provide for a separate tax levy
11 for emergency financial assistance repayment purposes. This
12 tax levy shall not be subject to referendum approval. The
13 amount of the levy shall not exceed the amount necessary to
14 meet the annual emergency financial repayment obligations of
15 the district, including principal and interest, as established
16 by the School Finance Authority.

17 (Source: P.A. 94-234, eff. 7-1-06.)

18 (105 ILCS 5/1H-20)

19 Sec. 1H-20. Members of Panel; meetings.

20 (a) Upon establishment of a Financial Oversight Panel under
21 Section 1H-15 of this Code, the State Superintendent shall
22 within 15 working days thereafter appoint 5 members to serve on
23 a Financial Oversight Panel for the district. Members appointed
24 to the Panel shall serve at the pleasure of the State
25 Superintendent. The State Superintendent shall designate one

1 of the members of the Panel to serve as its Chairperson. In the
2 event of vacancy or resignation, the State Superintendent
3 shall, within 10 days after receiving notice, appoint a
4 successor to serve out that member's term.

5 (b) Members of the Panel shall be selected primarily on the
6 basis of their experience and education in financial
7 management, with consideration given to persons knowledgeable
8 in education finance. Two members of the Panel shall be
9 residents of the school district that the Panel serves. A
10 member of the Panel may not be a member of the district's
11 school board or an employee of the district nor may a member
12 have a direct financial interest in the district.

13 (c) Panel members may be reimbursed by the State Board for
14 travel and other necessary expenses incurred in the performance
15 of their official duties. The amount reimbursed members for
16 their expenses shall be charged to the school district as part
17 of any emergency financial assistance and incorporated as a
18 part of the terms and conditions for repayment of the
19 assistance or shall be deducted from the district's general
20 State aid or evidence-based funding as provided in Section
21 1H-65 of this Code.

22 (d) With the exception of the chairperson, who shall be
23 designated as provided in subsection (a) of this Section, the
24 Panel may elect such officers as it deems appropriate.

25 (e) The first meeting of the Panel shall be held at the
26 call of the Chairperson. The Panel shall prescribe the times

1 and places for its meetings and the manner in which regular and
2 special meetings may be called and shall comply with the Open
3 Meetings Act. The Panel shall also comply with the Freedom of
4 Information Act.

5 (f) Three members of the Panel shall constitute a quorum. A
6 majority of members present is required to pass a measure.

7 (Source: P.A. 97-429, eff. 8-16-11.)

8 (105 ILCS 5/1H-70)

9 Sec. 1H-70. Tax anticipation warrants, tax anticipation
10 notes, revenue anticipation certificates or notes, general
11 State aid or evidence-based funding anticipation certificates,
12 and lines of credit. With the approval of the State
13 Superintendent and provided that the district is unable to
14 secure short-term financing after 3 attempts, a Panel shall
15 have the same power as a district to do the following:

16 (1) issue tax anticipation warrants under the
17 provisions of Section 17-16 of this Code against taxes
18 levied by either the school board or the Panel pursuant to
19 Section 1H-25 of this Code;

20 (2) issue tax anticipation notes under the provisions
21 of the Tax Anticipation Note Act against taxes levied by
22 either the school board or the Panel pursuant to Section
23 1H-25 of this Code;

24 (3) issue revenue anticipation certificates or notes
25 under the provisions of the Revenue Anticipation Act;

1 (4) issue general State aid or evidence-based funding
2 anticipation certificates under the provisions of Section
3 18-18 of this Code; and

4 (5) establish and utilize lines of credit under the
5 provisions of Section 17-17 of this Code.

6 Tax anticipation warrants, tax anticipation notes, revenue
7 anticipation certificates or notes, general State aid or
8 evidence-based funding anticipation certificates, and lines of
9 credit are considered borrowing from sources other than the
10 State and are subject to Section 1H-65 of this Code.

11 (Source: P.A. 97-429, eff. 8-16-11.)

12 (105 ILCS 5/2-3.33) (from Ch. 122, par. 2-3.33)

13 Sec. 2-3.33. Recomputation of claims. To recompute within
14 3 years from the final date for filing of a claim any claim for
15 general State aid reimbursement to any school district and one
16 year from the final date for filing of a claim for
17 evidence-based funding if the claim has been found to be
18 incorrect and to adjust subsequent claims accordingly, and to
19 recompute and adjust any such claims within 6 years from the
20 final date for filing when there has been an adverse court or
21 administrative agency decision on the merits affecting the tax
22 revenues of the school district. However, no such adjustment
23 shall be made regarding equalized assessed valuation unless the
24 district's equalized assessed valuation is changed by greater
25 than \$250,000 or 2%. Any adjustments for claims recomputed for

1 the 2016-2017 school year and prior school years shall be
2 applied to the apportionment of evidence-based funding in
3 Section 18-8.15 of this Code beginning in the 2017-2018 school
4 year and thereafter. However, the recomputation of a claim for
5 evidence-based funding for a school district shall not require
6 the recomputation of claims for all districts, and the State
7 Board of Education shall only make recomputations of
8 evidence-based funding for those districts where an adjustment
9 is required.

10 Except in the case of an adverse court or administrative
11 agency decision, no recomputation of a State aid claim shall be
12 made pursuant to this Section as a result of a reduction in the
13 assessed valuation of a school district from the assessed
14 valuation of the district reported to the State Board of
15 Education by the Department of Revenue under Section 18-8.05 or
16 18-8.15 of this Code unless the requirements of Section 16-15
17 of the Property Tax Code and Section 2-3.84 of this Code are
18 complied with in all respects.

19 This paragraph applies to all requests for recomputation of
20 a general State aid or evidence-based funding claim received
21 after June 30, 2003. In recomputing a general State aid or
22 evidence-based funding claim that was originally calculated
23 using an extension limitation equalized assessed valuation
24 under paragraph (3) of subsection (G) of Section 18-8.05 of
25 this Code or Section 18-8.15 of this Code, a qualifying
26 reduction in equalized assessed valuation shall be deducted

1 from the extension limitation equalized assessed valuation
2 that was used in calculating the original claim.

3 From the total amount of general State aid or
4 evidence-based funding to be provided to districts,
5 adjustments as a result of recomputation under this Section
6 together with adjustments under Section 2-3.84 must not exceed
7 \$25 million, in the aggregate for all districts under both
8 Sections combined, of the general State aid or evidence-based
9 funding appropriation in any fiscal year; if necessary, amounts
10 shall be prorated among districts. If it is necessary to
11 prorate claims under this paragraph, then that portion of each
12 prorated claim that is approved but not paid in the current
13 fiscal year may be resubmitted as a valid claim in the
14 following fiscal year.

15 (Source: P.A. 93-845, eff. 7-30-04.)

16 (105 ILCS 5/2-3.51.5)

17 Sec. 2-3.51.5. School Safety and Educational Improvement
18 Block Grant Program. To improve the level of education and
19 safety of students from kindergarten through grade 12 in school
20 districts and State-recognized, non-public schools. The State
21 Board of Education is authorized to fund a School Safety and
22 Educational Improvement Block Grant Program.

23 (1) For school districts, the program shall provide funding
24 for school safety, textbooks and software, electronic
25 textbooks and the technological equipment necessary to gain

1 access to and use electronic textbooks, teacher training and
2 curriculum development, school improvements, school report
3 cards under Section 10-17a, and criminal history records checks
4 under Sections 10-21.9 and 34-18.5. For State-recognized,
5 non-public schools, the program shall provide funding for
6 secular textbooks and software, criminal history records
7 checks, and health and safety mandates to the extent that the
8 funds are expended for purely secular purposes. A school
9 district or laboratory school as defined in Section 18-8, ~~or~~
10 18-8.05, or 18-8.15 is not required to file an application in
11 order to receive the categorical funding to which it is
12 entitled under this Section. Funds for the School Safety and
13 Educational Improvement Block Grant Program shall be
14 distributed to school districts and laboratory schools based on
15 the prior year's best 3 months average daily attendance. Funds
16 for the School Safety and Educational Improvement Block Grant
17 Program shall be distributed to State-recognized, non-public
18 schools based on the average daily attendance figure for the
19 previous school year provided to the State Board of Education.
20 The State Board of Education shall develop an application that
21 requires State-recognized, non-public schools to submit
22 average daily attendance figures. A State-recognized,
23 non-public school must submit the application and average daily
24 attendance figure prior to receiving funds under this Section.
25 The State Board of Education shall promulgate rules and
26 regulations necessary for the implementation of this program.

1 (2) Distribution of moneys to school districts and
2 State-recognized, non-public schools shall be made in 2
3 semi-annual installments, one payment on or before October 30,
4 and one payment prior to April 30, of each fiscal year.

5 (3) Grants under the School Safety and Educational
6 Improvement Block Grant Program shall be awarded provided there
7 is an appropriation for the program, and funding levels for
8 each district shall be prorated according to the amount of the
9 appropriation.

10 (4) The provisions of this Section are in the public
11 interest, are for the public benefit, and serve secular public
12 purposes.

13 (Source: P.A. 98-972, eff. 8-15-14.)

14 (105 ILCS 5/2-3.62) (from Ch. 122, par. 2-3.62)

15 Sec. 2-3.62. Educational service centers.

16 (a) A regional network of educational service centers shall
17 be established by the State Board of Education to coordinate
18 and combine existing services in a manner which is practical
19 and efficient and to provide new services to schools as
20 provided in this Section. Services to be made available by such
21 centers shall include the planning, implementation and
22 evaluation of:

23 (1) (blank);

24 (2) computer technology education;

25 (3) mathematics, science and reading resources for

1 teachers including continuing education, inservice
2 training and staff development.

3 The centers may provide training, technical assistance,
4 coordination and planning in other program areas such as school
5 improvement, school accountability, financial planning,
6 consultation, and services, career guidance, early childhood
7 education, alcohol/drug education and prevention, family life
8 - sex education, electronic transmission of data from school
9 districts to the State, alternative education and regional
10 special education, and telecommunications systems that provide
11 distance learning. Such telecommunications systems may be
12 obtained through the Department of Central Management Services
13 pursuant to Section 405-270 of the Department of Central
14 Management Services Law (20 ILCS 405/405-270). The programs and
15 services of educational service centers may be offered to
16 private school teachers and private school students within each
17 service center area provided public schools have already been
18 afforded adequate access to such programs and services.

19 Upon the abolition of the office, removal from office,
20 disqualification for office, resignation from office, or
21 expiration of the current term of office of the regional
22 superintendent of schools, whichever is earlier, the chief
23 administrative officer of the centers serving that portion of a
24 Class II county school unit outside of a city of 500,000 or
25 more inhabitants shall have and exercise, in and with respect
26 to each educational service region having a population of

1 2,000,000 or more inhabitants and in and with respect to each
2 school district located in any such educational service region,
3 all of the rights, powers, duties, and responsibilities
4 theretofore vested by law in and exercised and performed by the
5 regional superintendent of schools for that area under the
6 provisions of this Code or any other laws of this State.

7 The State Board of Education shall promulgate rules and
8 regulations necessary to implement this Section. The rules
9 shall include detailed standards which delineate the scope and
10 specific content of programs to be provided by each Educational
11 Service Center, as well as the specific planning,
12 implementation and evaluation services to be provided by each
13 Center relative to its programs. The Board shall also provide
14 the standards by which it will evaluate the programs provided
15 by each Center.

16 (b) Centers serving Class 1 county school units shall be
17 governed by an 11-member board, 3 members of which shall be
18 public school teachers nominated by the local bargaining
19 representatives to the appropriate regional superintendent for
20 appointment and no more than 3 members of which shall be from
21 each of the following categories, including but not limited to
22 superintendents, regional superintendents, school board
23 members and a representative of an institution of higher
24 education. The members of the board shall be appointed by the
25 regional superintendents whose school districts are served by
26 the educational service center. The composition of the board

1 will reflect the revisions of this amendatory Act of 1989 as
2 the terms of office of current members expire.

3 (c) The centers shall be of sufficient size and number to
4 assure delivery of services to all local school districts in
5 the State.

6 (d) From monies appropriated for this program the State
7 Board of Education shall provide grants paid from the Personal
8 Property Tax Replacement Fund to qualifying Educational
9 Service Centers applying for such grants in accordance with
10 rules and regulations promulgated by the State Board of
11 Education to implement this Section.

12 Notwithstanding anything to the contrary contained in this
13 Section, the State Board of Education shall award to a school
14 district having a population exceeding 500,000 inhabitants
15 14.9% of the funds appropriated by the General Assembly for any
16 fiscal year for purposes of payment of claims under this
17 Section.

18 (e) The governing authority of each of the 18 regional
19 educational service centers shall appoint a family life - sex
20 education advisory board consisting of 2 parents, 2 teachers, 2
21 school administrators, 2 school board members, 2 health care
22 professionals, one library system representative, and the
23 director of the regional educational service center who shall
24 serve as chairperson of the advisory board so appointed.
25 Members of the family life - sex education advisory boards
26 shall serve without compensation. Each of the advisory boards

1 appointed pursuant to this subsection shall develop a plan for
2 regional teacher-parent family life - sex education training
3 sessions and shall file a written report of such plan with the
4 governing board of their regional educational service center.
5 The directors of each of the regional educational service
6 centers shall thereupon meet, review each of the reports
7 submitted by the advisory boards and combine those reports into
8 a single written report which they shall file with the Citizens
9 Council on School Problems prior to the end of the regular
10 school term of the 1987-1988 school year.

11 (f) The 14 educational service centers serving Class I
12 county school units shall be disbanded on the first Monday of
13 August, 1995, and their statutory responsibilities and
14 programs shall be assumed by the regional offices of education,
15 subject to rules and regulations developed by the State Board
16 of Education. The regional superintendents of schools elected
17 by the voters residing in all Class I counties shall serve as
18 the chief administrators for these programs and services.

19 (Source: P.A. 98-24, eff. 6-19-13; 98-647, eff. 6-13-14; 99-30,
20 eff. 7-10-15.)

21 (105 ILCS 5/2-3.66) (from Ch. 122, par. 2-3.66)

22 Sec. 2-3.66. Truants' alternative and optional education
23 programs. To establish projects to offer modified
24 instructional programs or other services designed to prevent
25 students from dropping out of school, including programs

1 pursuant to Section 2-3.41, and to serve as a part time or full
2 time option in lieu of regular school attendance and to award
3 grants to local school districts, educational service regions
4 or community college districts from appropriated funds to
5 assist districts in establishing such projects. The education
6 agency may operate its own program or enter into a contract
7 with another not-for-profit entity to implement the program.
8 The projects shall allow dropouts, up to and including age 21,
9 potential dropouts, including truants, uninvolved, unmotivated
10 and disaffected students, as defined by State Board of
11 Education rules and regulations, to enroll, as an alternative
12 to regular school attendance, in an optional education program
13 which may be established by school board policy and is in
14 conformance with rules adopted by the State Board of Education.
15 Truants' Alternative and Optional Education programs funded
16 pursuant to this Section shall be planned by a student, the
17 student's parents or legal guardians, unless the student is 18
18 years or older, and school officials and shall culminate in an
19 individualized optional education plan. Such plan shall focus
20 on academic or vocational skills, or both, and may include, but
21 not be limited to, evening school, summer school, community
22 college courses, adult education, preparation courses for high
23 school equivalency testing, vocational training, work
24 experience, programs to enhance self concept and parenting
25 courses. School districts which are awarded grants pursuant to
26 this Section shall be authorized to provide day care services

1 to children of students who are eligible and desire to enroll
2 in programs established and funded under this Section, but only
3 if and to the extent that such day care is necessary to enable
4 those eligible students to attend and participate in the
5 programs and courses which are conducted pursuant to this
6 Section. School districts and regional offices of education may
7 claim general State aid under Section 18-8.05 or evidence-based
8 funding under Section 18-8.15 for students enrolled in truants'
9 alternative and optional education programs, provided that
10 such students are receiving services that are supplemental to a
11 program leading to a high school diploma and are otherwise
12 eligible to be claimed for general State aid under Section
13 18-8.05 or evidence-based funding under Section 18-8.15, as
14 applicable.

15 Notwithstanding anything to the contrary contained in this
16 Section, the State Board of Education shall award to a school
17 district having a population exceeding 500,000 inhabitants
18 26.8% of the funds appropriated by the General Assembly for any
19 fiscal year for purposes of payment of claims under this
20 Section.

21 (Source: P.A. 98-718, eff. 1-1-15.)

22 (105 ILCS 5/2-3.66b)

23 Sec. 2-3.66b. IHOPE Program.

24 (a) There is established the Illinois Hope and Opportunity
25 Pathways through Education (IHOPE) Program. The State Board of

1 Education shall implement and administer the IHOPE Program. The
2 goal of the IHOPE Program is to develop a comprehensive system
3 in this State to re-enroll significant numbers of high school
4 dropouts in programs that will enable them to earn their high
5 school diploma.

6 (b) The IHOPE Program shall award grants, subject to
7 appropriation for this purpose, to educational service regions
8 and a school district organized under Article 34 of this Code
9 from appropriated funds to assist in establishing
10 instructional programs and other services designed to
11 re-enroll high school dropouts. From any funds appropriated for
12 the IHOPE Program, the State Board of Education may use up to
13 5% for administrative costs, including the performance of a
14 program evaluation and the hiring of staff to implement and
15 administer the program.

16 The IHOPE Program shall provide incentive grant funds for
17 regional offices of education and a school district organized
18 under Article 34 of this Code to develop partnerships with
19 school districts, public community colleges, and community
20 groups to build comprehensive plans to re-enroll high school
21 dropouts in their regions or districts.

22 Programs funded through the IHOPE Program shall allow high
23 school dropouts, up to and including age 21 notwithstanding
24 Section 26-2 of this Code, to re-enroll in an educational
25 program in conformance with rules adopted by the State Board of
26 Education. Programs may include without limitation

1 comprehensive year-round programming, evening school, summer
2 school, community college courses, adult education, vocational
3 training, work experience, programs to enhance self-concept,
4 and parenting courses. Any student in the IHOPE Program who
5 wishes to earn a high school diploma must meet the
6 prerequisites to receiving a high school diploma specified in
7 Section 27-22 of this Code and any other graduation
8 requirements of the student's district of residence. Any
9 student who successfully completes the requirements for his or
10 her graduation shall receive a diploma identifying the student
11 as graduating from his or her district of residence.

12 (c) In order to be eligible for funding under the IHOPE
13 Program, an interested regional office of education or a school
14 district organized under Article 34 of this Code shall develop
15 an IHOPE Plan to be approved by the State Board of Education.
16 The State Board of Education shall develop rules for the IHOPE
17 Program that shall set forth the requirements for the
18 development of the IHOPE Plan. Each Plan shall involve school
19 districts, public community colleges, and key community
20 programs that work with high school dropouts located in an
21 educational service region or the City of Chicago before the
22 Plan is sent to the State Board for approval. No funds may be
23 distributed to a regional office of education or a school
24 district organized under Article 34 of this Code until the
25 State Board has approved the Plan.

26 (d) A regional office of education or a school district

1 organized under Article 34 of this Code may operate its own
2 program funded by the IHOPE Program or enter into a contract
3 with other not-for-profit entities, including school
4 districts, public community colleges, and not-for-profit
5 community-based organizations, to operate a program.

6 A regional office of education or a school district
7 organized under Article 34 of this Code that receives an IHOPE
8 grant from the State Board of Education may provide funds under
9 a sub-grant, as specified in the IHOPE Plan, to other
10 not-for-profit entities to provide services according to the
11 IHOPE Plan that was developed. These other entities may include
12 school districts, public community colleges, or not-for-profit
13 community-based organizations or a cooperative partnership
14 among these entities.

15 (e) In order to distribute funding based upon the need to
16 ensure delivery of programs that will have the greatest impact,
17 IHOPE Program funding must be distributed based upon the
18 proportion of dropouts in the educational service region or
19 school district, in the case of a school district organized
20 under Article 34 of this Code, to the total number of dropouts
21 in this State. This formula shall employ the dropout data
22 provided by school districts to the State Board of Education.

23 A regional office of education or a school district
24 organized under Article 34 of this Code may claim State aid
25 under Section 18-8.05 or 18-8.15 of this Code for students
26 enrolled in a program funded by the IHOPE Program, provided

1 that the State Board of Education has approved the IHOPE Plan
2 and that these students are receiving services that are meeting
3 the requirements of Section 27-22 of this Code for receipt of a
4 high school diploma and are otherwise eligible to be claimed
5 for general State aid under Section 18-8.05 of this Code or
6 evidence-based funding under Section 18-8.15 of this Code,
7 including provisions related to the minimum number of days of
8 pupil attendance pursuant to Section 10-19 of this Code and the
9 minimum number of daily hours of school work and any exceptions
10 thereto as defined by the State Board of Education in rules.

11 (f) IHOPE categories of programming may include the
12 following:

13 (1) Full-time programs that are comprehensive,
14 year-round programs.

15 (2) Part-time programs combining work and study
16 scheduled at various times that are flexible to the needs
17 of students.

18 (3) Online programs and courses in which students take
19 courses and complete on-site, supervised tests that
20 measure the student's mastery of a specific course needed
21 for graduation. Students may take courses online and earn
22 credit or students may prepare to take supervised tests for
23 specific courses for credit leading to receipt of a high
24 school diploma.

25 (4) Dual enrollment in which students attend high
26 school classes in combination with community college

1 classes or students attend community college classes while
2 simultaneously earning high school credit and eventually a
3 high school diploma.

4 (g) In order to have successful comprehensive programs
5 re-enrolling and graduating low-skilled high school dropouts,
6 programs funded through the IHOPE Program shall include all of
7 the following components:

8 (1) Small programs (70 to 100 students) at a separate
9 school site with a distinct identity. Programs may be
10 larger with specific need and justification, keeping in
11 mind that it is crucial to keep programs small to be
12 effective.

13 (2) Specific performance-based goals and outcomes and
14 measures of enrollment, attendance, skills, credits,
15 graduation, and the transition to college, training, and
16 employment.

17 (3) Strong, experienced leadership and teaching staff
18 who are provided with ongoing professional development.

19 (4) Voluntary enrollment.

20 (5) High standards for student learning, integrating
21 work experience, and education, including during the
22 school year and after school, and summer school programs
23 that link internships, work, and learning.

24 (6) Comprehensive programs providing extensive support
25 services.

26 (7) Small teams of students supported by full-time paid

1 mentors who work to retain and help those students
2 graduate.

3 (8) A comprehensive technology learning center with
4 Internet access and broad-based curriculum focusing on
5 academic and career subject areas.

6 (9) Learning opportunities that incorporate action
7 into study.

8 (h) Programs funded through the IHOPE Program must report
9 data to the State Board of Education as requested. This
10 information shall include, but is not limited to, student
11 enrollment figures, attendance information, course completion
12 data, graduation information, and post-graduation information,
13 as available.

14 (i) Rules must be developed by the State Board of Education
15 to set forth the fund distribution process to regional offices
16 of education and a school district organized under Article 34
17 of this Code, the planning and the conditions upon which an
18 IHOPE Plan would be approved by State Board, and other rules to
19 develop the IHOPE Program.

20 (Source: P.A. 96-106, eff. 7-30-09.)

21 (105 ILCS 5/2-3.80) (from Ch. 122, par. 2-3.80)

22 Sec. 2-3.80. (a) The General Assembly recognizes that
23 agriculture is the most basic and singularly important industry
24 in the State, that agriculture is of central importance to the
25 welfare and economic stability of the State, and that the

1 maintenance of this vital industry requires a continued source
2 of trained and qualified individuals for employment in
3 agriculture and agribusiness. The General Assembly hereby
4 declares that it is in the best interests of the people of the
5 State of Illinois that a comprehensive education program in
6 agriculture be created and maintained by the State's public
7 school system in order to ensure an adequate supply of trained
8 and skilled individuals and to ensure appropriate
9 representation of racial and ethnic groups in all phases of the
10 industry. It is the intent of the General Assembly that a State
11 program for agricultural education shall be a part of the
12 curriculum of the public school system K through adult, and
13 made readily available to all school districts which may, at
14 their option, include programs in education in agriculture as a
15 part of the curriculum of that district.

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

25 (c) The State Superintendent of Education shall assume
26 responsibility for the administration of the State program

1 adopted under this Section throughout the public school system
2 as well as the articulation of the State program to the
3 requirements and mandates of federally assisted education.
4 There is currently within the State Board of Education an
5 agricultural education unit to assist school districts in the
6 establishment and maintenance of educational programs pursuant
7 to the provisions of this Section. The staffing of the unit
8 shall at all times be comprised of an appropriate number of
9 full-time employees who shall serve as program consultants in
10 agricultural education and shall be available to provide
11 assistance to school districts. At least one consultant shall
12 be responsible for the coordination of the State program, as
13 Head Consultant. At least one consultant shall be responsible
14 for the coordination of the activities of student and
15 agricultural organizations and associations.

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

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

25 (e) A school district that offers a secondary agricultural
26 education program that is approved for State and federal

1 funding must ensure that, at a minimum, all of the following
2 are available to its secondary agricultural education
3 students:

4 (1) An instructional sequence of courses approved by
5 the State Board of Education.

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

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

13 Notwithstanding anything to the contrary contained in this
14 Section, the State Board of Education shall award to a school
15 district having a population exceeding 500,000 inhabitants
16 1.1% of the funds appropriated by the General Assembly for any
17 fiscal year for purposes of payment of claims under this
18 Section.

19 (f) Nothing in this Section may prevent those secondary
20 agricultural education programs that are in operation before
21 the effective date of this amendatory Act of the 94th General
22 Assembly and that do not have an active State and nationally
23 affiliated FFA chapter from continuing to operate or from
24 continuing to receive funding from the State Board of
25 Education.

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

1 (105 ILCS 5/2-3.84) (from Ch. 122, par. 2-3.84)

2 Sec. 2-3.84. In calculating the amount of State aid to be
3 apportioned to the various school districts in this State, the
4 State Board of Education shall incorporate and deduct the total
5 aggregate adjustments to assessments made by the State Property
6 Tax Appeal Board or Cook County Board of Appeals, as reported
7 pursuant to Section 16-15 of the Property Tax Code or Section
8 129.1 of the Revenue Act of 1939 by the Department of Revenue,
9 from the equalized assessed valuation that is otherwise to be
10 utilized in the initial calculation.

11 From the total amount of general State aid or
12 evidence-based funding to be provided to districts,
13 adjustments under this Section together with adjustments as a
14 result of recomputation under Section 2-3.33 must not exceed
15 \$25 million, in the aggregate for all districts under both
16 Sections combined, of the general State aid or evidence-based
17 funding appropriation in any fiscal year; if necessary, amounts
18 shall be prorated among districts. If it is necessary to
19 prorate claims under this paragraph, then that portion of each
20 prorated claim that is approved but not paid in the current
21 fiscal year may be resubmitted as a valid claim in the
22 following fiscal year.

23 (Source: P.A. 93-845, eff. 7-30-04.)

24 (105 ILCS 5/2-3.109a)

1 Sec. 2-3.109a. Laboratory schools grant eligibility. A
2 laboratory school as defined in Section 18-8 or 18-8.15 may
3 apply for and be eligible to receive, subject to the same
4 restrictions applicable to school districts, any grant
5 administered by the State Board of Education that is available
6 for school districts.

7 (Source: P.A. 90-566, eff. 1-2-98.)

8 (105 ILCS 5/3-14.21) (from Ch. 122, par. 3-14.21)

9 Sec. 3-14.21. Inspection of schools.

10 (a) The regional superintendent shall inspect and survey
11 all public schools under his or her supervision and notify the
12 board of education, or the trustees of schools in a district
13 with trustees, in writing before July 30, whether or not the
14 several schools in their district have been kept as required by
15 law, using forms provided by the State Board of Education which
16 are based on the Health/Life Safety Code for Public Schools
17 adopted under Section 2-3.12. The regional superintendent
18 shall report his or her findings to the State Board of
19 Education on forms provided by the State Board of Education.

20 (b) If the regional superintendent determines that a school
21 board has failed in a timely manner to correct urgent items
22 identified in a previous life-safety report completed under
23 Section 2-3.12 or as otherwise previously ordered by the
24 regional superintendent, the regional superintendent shall
25 order the school board to adopt and submit to the regional

1 superintendent a plan for the immediate correction of the
2 building violations. This plan shall be adopted following a
3 public hearing that is conducted by the school board on the
4 violations and the plan and that is preceded by at least 7
5 days' prior notice of the hearing published in a newspaper of
6 general circulation within the school district. If the regional
7 superintendent determines in the next annual inspection that
8 the plan has not been completed and that the violations have
9 not been corrected, the regional superintendent shall submit a
10 report to the State Board of Education with a recommendation
11 that the State Board withhold from payments of general State
12 aid or evidence-based funding due to the district an amount
13 necessary to correct the outstanding violations. The State
14 Board, upon notice to the school board and to the regional
15 superintendent, shall consider the report at a meeting of the
16 State Board, and may order that a sufficient amount of general
17 State aid or evidence-based funding be withheld from payments
18 due to the district to correct the violations. This amount
19 shall be paid to the regional superintendent who shall contract
20 on behalf of the school board for the correction of the
21 outstanding violations.

22 (c) The Office of the State Fire Marshal or a qualified
23 fire official, as defined in Section 2-3.12 of this Code, to
24 whom the State Fire Marshal has delegated his or her authority
25 shall conduct an annual fire safety inspection of each school
26 building in this State. The State Fire Marshal or the fire

1 official shall coordinate its inspections with the regional
2 superintendent. The inspection shall be based on the fire
3 safety code authorized in Section 2-3.12 of this Code. Any
4 violations shall be reported in writing to the regional
5 superintendent and shall reference the specific code sections
6 where a discrepancy has been identified within 15 days after
7 the inspection has been conducted. The regional superintendent
8 shall address those violations that are not corrected in a
9 timely manner pursuant to subsection (b) of this Section. The
10 inspection must be at no cost to the school district.

11 (d) If a municipality or, in the case of an unincorporated
12 area, a county or, if applicable, a fire protection district
13 wishes to perform new construction inspections under the
14 jurisdiction of a regional superintendent, then the entity must
15 register this wish with the regional superintendent. These
16 inspections must be based on the building code authorized in
17 Section 2-3.12 of this Code. The inspections must be at no cost
18 to the school district.

19 (Source: P.A. 96-734, eff. 8-25-09.)

20 (105 ILCS 5/7-14A) (from Ch. 122, par. 7-14A)

21 Sec. 7-14A. Annexation compensation. There shall be no
22 accounting made after a mere change in boundaries when no new
23 district is created, except that those districts whose
24 enrollment increases by 90% or more as a result of annexing
25 territory detached from another district pursuant to this

1 Article are eligible for supplementary State aid payments in
2 accordance with Section 11E-135 of this Code. Eligible annexing
3 districts shall apply to the State Board of Education for
4 supplementary State aid payments by submitting enrollment
5 figures for the year immediately preceding and the year
6 immediately following the effective date of the boundary change
7 for both the district gaining territory and the district losing
8 territory. Copies of any intergovernmental agreements between
9 the district gaining territory and the district losing
10 territory detailing any transfer of fund balances and staff
11 must also be submitted. In all instances of changes in
12 boundaries, the district losing territory shall not count the
13 average daily attendance of pupils living in the territory
14 during the year preceding the effective date of the boundary
15 change in its claim for reimbursement under Section 18-8.05 or
16 18-8.15 of this Code for the school year following the
17 effective date of the change in boundaries and the district
18 receiving the territory shall count the average daily
19 attendance of pupils living in the territory during the year
20 preceding the effective date of the boundary change in its
21 claim for reimbursement under Section 18-8.05 or 18-8.15 of
22 this Code for the school year following the effective date of
23 the change in boundaries. The changes to this Section made by
24 this amendatory Act of the 95th General Assembly are intended
25 to be retroactive and applicable to any annexation taking
26 effect on or after July 1, 2004.

1 (Source: P.A. 99-657, eff. 7-28-16.)

2 (105 ILCS 5/10-17a) (from Ch. 122, par. 10-17a)

3 Sec. 10-17a. State, school district, and school report
4 cards.

5 (1) By October 31, 2013 and October 31 of each subsequent
6 school year, the State Board of Education, through the State
7 Superintendent of Education, shall prepare a State report card,
8 school district report cards, and school report cards, and
9 shall by the most economic means provide to each school
10 district in this State, including special charter districts and
11 districts subject to the provisions of Article 34, the report
12 cards for the school district and each of its schools.

13 (2) In addition to any information required by federal law,
14 the State Superintendent shall determine the indicators and
15 presentation of the school report card, which must include, at
16 a minimum, the most current data possessed by the State Board
17 of Education related to the following:

18 (A) school characteristics and student demographics,
19 including average class size, average teaching experience,
20 student racial/ethnic breakdown, and the percentage of
21 students classified as low-income; the percentage of
22 students classified as English learners; the percentage of
23 students who have individualized education plans or 504
24 plans that provide for special education services; the
25 percentage of students who annually transferred in or out

1 of the school district; the per-pupil operating
2 expenditure of the school district; and the per-pupil State
3 average operating expenditure for the district type
4 (elementary, high school, or unit);

5 (B) curriculum information, including, where
6 applicable, Advanced Placement, International
7 Baccalaureate or equivalent courses, dual enrollment
8 courses, foreign language classes, school personnel
9 resources (including Career Technical Education teachers),
10 before and after school programs, extracurricular
11 activities, subjects in which elective classes are
12 offered, health and wellness initiatives (including the
13 average number of days of Physical Education per week per
14 student), approved programs of study, awards received,
15 community partnerships, and special programs such as
16 programming for the gifted and talented, students with
17 disabilities, and work-study students;

18 (C) student outcomes, including, where applicable, the
19 percentage of students deemed proficient on assessments of
20 State standards, the percentage of students in the eighth
21 grade who pass Algebra, the percentage of students enrolled
22 in post-secondary institutions (including colleges,
23 universities, community colleges, trade/vocational
24 schools, and training programs leading to career
25 certification within 2 semesters of high school
26 graduation), the percentage of students graduating from

1 high school who are college and career ready, and the
2 percentage of graduates enrolled in community colleges,
3 colleges, and universities who are in one or more courses
4 that the community college, college, or university
5 identifies as a developmental course;

6 (D) student progress, including, where applicable, the
7 percentage of students in the ninth grade who have earned 5
8 credits or more without failing more than one core class, a
9 measure of students entering kindergarten ready to learn, a
10 measure of growth, and the percentage of students who enter
11 high school on track for college and career readiness;

12 (E) the school environment, including, where
13 applicable, the percentage of students with less than 10
14 absences in a school year, the percentage of teachers with
15 less than 10 absences in a school year for reasons other
16 than professional development, leaves taken pursuant to
17 the federal Family Medical Leave Act of 1993, long-term
18 disability, or parental leaves, the 3-year average of the
19 percentage of teachers returning to the school from the
20 previous year, the number of different principals at the
21 school in the last 6 years, 2 or more indicators from any
22 school climate survey selected or approved by the State and
23 administered pursuant to Section 2-3.153 of this Code, with
24 the same or similar indicators included on school report
25 cards for all surveys selected or approved by the State
26 pursuant to Section 2-3.153 of this Code, and the combined

1 percentage of teachers rated as proficient or excellent in
2 their most recent evaluation; ~~and~~

3 (F) a school district's and its individual schools'
4 balanced accountability measure, in accordance with
5 Section 2-3.25a of this Code; ~~-~~

6 (G) a school district's Final Percent of Adequacy, as
7 defined in paragraph (4) of subsection (f) of Section
8 18-8.15 of this Code;

9 (H) a school district's Local Capacity Target, as
10 defined in paragraph (2) of subsection (c) of Section
11 18-8.15 of this Code, displayed as a percentage amount; and

12 (I) a school district's Real Receipts, as defined in
13 paragraph (1) of subsection (d) of Section 18-8.15 of this
14 Code, divided by a school district's Adequacy Target, as
15 defined in paragraph (1) of subsection (b) of Section
16 18-8.15 of this Code, displayed as a percentage amount.

17 The school report card shall also provide information that
18 allows for comparing the current outcome, progress, and
19 environment data to the State average, to the school data from
20 the past 5 years, and to the outcomes, progress, and
21 environment of similar schools based on the type of school and
22 enrollment of low-income students, special education students,
23 and English learners.

24 (3) At the discretion of the State Superintendent, the
25 school district report card shall include a subset of the
26 information identified in paragraphs (A) through (E) of

1 subsection (2) of this Section, as well as information relating
2 to the operating expense per pupil and other finances of the
3 school district, and the State report card shall include a
4 subset of the information identified in paragraphs (A) through
5 (E) of subsection (2) of this Section.

6 (4) Notwithstanding anything to the contrary in this
7 Section, in consultation with key education stakeholders, the
8 State Superintendent shall at any time have the discretion to
9 amend or update any and all metrics on the school, district, or
10 State report card.

11 (5) Annually, no more than 30 calendar days after receipt
12 of the school district and school report cards from the State
13 Superintendent of Education, each school district, including
14 special charter districts and districts subject to the
15 provisions of Article 34, shall present such report cards at a
16 regular school board meeting subject to applicable notice
17 requirements, post the report cards on the school district's
18 Internet web site, if the district maintains an Internet web
19 site, make the report cards available to a newspaper of general
20 circulation serving the district, and, upon request, send the
21 report cards home to a parent (unless the district does not
22 maintain an Internet web site, in which case the report card
23 shall be sent home to parents without request). If the district
24 posts the report card on its Internet web site, the district
25 shall send a written notice home to parents stating (i) that
26 the report card is available on the web site, (ii) the address

1 of the web site, (iii) that a printed copy of the report card
2 will be sent to parents upon request, and (iv) the telephone
3 number that parents may call to request a printed copy of the
4 report card.

5 (6) Nothing contained in this amendatory Act of the 98th
6 General Assembly repeals, supersedes, invalidates, or
7 nullifies final decisions in lawsuits pending on the effective
8 date of this amendatory Act of the 98th General Assembly in
9 Illinois courts involving the interpretation of Public Act
10 97-8.

11 (Source: P.A. 98-463, eff. 8-16-13; 98-648, eff. 7-1-14; 99-30,
12 eff. 7-10-15; 99-193, eff. 7-30-15; 99-642, eff. 7-28-16.)

13 (105 ILCS 5/10-19) (from Ch. 122, par. 10-19)

14 Sec. 10-19. Length of school term - experimental programs.
15 Each school board shall annually prepare a calendar for the
16 school term, specifying the opening and closing dates and
17 providing a minimum term of at least 185 days to insure 176
18 days of actual pupil attendance, computable under Section
19 18-8.05 or 18-8.15, except that for the 1980-1981 school year
20 only 175 days of actual pupil attendance shall be required
21 because of the closing of schools pursuant to Section 24-2 on
22 January 29, 1981 upon the appointment by the President of that
23 day as a day of thanksgiving for the freedom of the Americans
24 who had been held hostage in Iran. Any days allowed by law for
25 teachers' institutes but not used as such or used as parental

1 institutes as provided in Section 10-22.18d shall increase the
2 minimum term by the school days not so used. Except as provided
3 in Section 10-19.1, the board may not extend the school term
4 beyond such closing date unless that extension of term is
5 necessary to provide the minimum number of computable days. In
6 case of such necessary extension school employees shall be paid
7 for such additional time on the basis of their regular
8 contracts. A school board may specify a closing date earlier
9 than that set on the annual calendar when the schools of the
10 district have provided the minimum number of computable days
11 under this Section. Nothing in this Section prevents the board
12 from employing superintendents of schools, principals and
13 other nonteaching personnel for a period of 12 months, or in
14 the case of superintendents for a period in accordance with
15 Section 10-23.8, or prevents the board from employing other
16 personnel before or after the regular school term with payment
17 of salary proportionate to that received for comparable work
18 during the school term.

19 A school board may make such changes in its calendar for
20 the school term as may be required by any changes in the legal
21 school holidays prescribed in Section 24-2. A school board may
22 make changes in its calendar for the school term as may be
23 necessary to reflect the utilization of teachers' institute
24 days as parental institute days as provided in Section
25 10-22.18d.

26 The calendar for the school term and any changes must be

1 submitted to and approved by the regional superintendent of
2 schools before the calendar or changes may take effect.

3 With the prior approval of the State Board of Education and
4 subject to review by the State Board of Education every 3
5 years, any school board may, by resolution of its board and in
6 agreement with affected exclusive collective bargaining
7 agents, establish experimental educational programs, including
8 but not limited to programs for e-learning days as authorized
9 under Section 10-20.56 of this Code, self-directed learning, or
10 outside of formal class periods, which programs when so
11 approved shall be considered to comply with the requirements of
12 this Section as respects numbers of days of actual pupil
13 attendance and with the other requirements of this Act as
14 respects courses of instruction.

15 (Source: P.A. 98-756, eff. 7-16-14; 99-194, eff. 7-30-15.)

16 (105 ILCS 5/10-22.5a) (from Ch. 122, par. 10-22.5a)

17 Sec. 10-22.5a. Attendance by dependents of United States
18 military personnel, foreign exchange students, and certain
19 nonresident pupils.

20 (a) To enter into written agreements with cultural exchange
21 organizations, or with nationally recognized eleemosynary
22 institutions that promote excellence in the arts, mathematics,
23 or science. The written agreements may provide for tuition free
24 attendance at the local district school by foreign exchange
25 students, or by nonresident pupils of eleemosynary

1 institutions. The local board of education, as part of the
2 agreement, may require that the cultural exchange program or
3 the eleemosynary institutions provide services to the district
4 in exchange for the waiver of nonresident tuition.

5 To enter into written agreements with adjacent school
6 districts to provide for tuition free attendance by a student
7 of the adjacent district when requested for the student's
8 health and safety by the student or parent and both districts
9 determine that the student's health or safety will be served by
10 such attendance. Districts shall not be required to enter into
11 such agreements nor be required to alter existing
12 transportation services due to the attendance of such
13 non-resident pupils.

14 (a-5) If, at the time of enrollment, a dependent of United
15 States military personnel is housed in temporary housing
16 located outside of a school district, but will be living within
17 the district within 60 days after the time of initial
18 enrollment, the dependent must be allowed to enroll, subject to
19 the requirements of this subsection (a-5), and must not be
20 charged tuition. Any United States military personnel
21 attempting to enroll a dependent under this subsection (a-5)
22 shall provide proof that the dependent will be living within
23 the district within 60 days after the time of initial
24 enrollment. Proof of residency may include, but is not limited
25 to, postmarked mail addressed to the military personnel and
26 sent to an address located within the district, a lease

1 agreement for occupancy of a residence located within the
2 district, or proof of ownership of a residence located within
3 the district.

4 (b) Nonresident pupils and foreign exchange students
5 attending school on a tuition free basis under such agreements
6 and nonresident dependents of United States military personnel
7 attending school on a tuition free basis may be counted for the
8 purposes of determining the apportionment of State aid provided
9 under Section 18-8.05 or 18-8.15 of this Code. No organization
10 or institution participating in agreements authorized under
11 this Section may exclude any individual for participation in
12 its program on account of the person's race, color, sex,
13 religion or nationality.

14 (Source: P.A. 98-739, eff. 7-16-14.)

15 (105 ILCS 5/10-22.20) (from Ch. 122, par. 10-22.20)

16 Sec. 10-22.20. Classes for adults and youths whose
17 schooling has been interrupted; conditions for State
18 reimbursement; use of child care facilities.

19 (a) To establish special classes for the instruction (1) of
20 persons of age 21 years or over and (2) of persons less than
21 age 21 and not otherwise in attendance in public school, for
22 the purpose of providing adults in the community and youths
23 whose schooling has been interrupted with such additional basic
24 education, vocational skill training, and other instruction as
25 may be necessary to increase their qualifications for

1 employment or other means of self-support and their ability to
2 meet their responsibilities as citizens, including courses of
3 instruction regularly accepted for graduation from elementary
4 or high schools and for Americanization and high school
5 equivalency testing review classes.

6 The board shall pay the necessary expenses of such classes
7 out of school funds of the district, including costs of student
8 transportation and such facilities or provision for child-care
9 as may be necessary in the judgment of the board to permit
10 maximum utilization of the courses by students with children,
11 and other special needs of the students directly related to
12 such instruction. The expenses thus incurred shall be subject
13 to State reimbursement, as provided in this Section. The board
14 may make a tuition charge for persons taking instruction who
15 are not subject to State reimbursement, such tuition charge not
16 to exceed the per capita cost of such classes.

17 The cost of such instruction, including the additional
18 expenses herein authorized, incurred for recipients of
19 financial aid under the Illinois Public Aid Code, or for
20 persons for whom education and training aid has been authorized
21 under Section 9-8 of that Code, shall be assumed in its
22 entirety from funds appropriated by the State to the Illinois
23 Community College Board.

24 (b) The Illinois Community College Board shall establish
25 the standards for the courses of instruction reimbursed under
26 this Section. The Illinois Community College Board shall

1 supervise the administration of the programs. The Illinois
2 Community College Board shall determine the cost of instruction
3 in accordance with standards established by the Illinois
4 Community College Board, including therein other incidental
5 costs as herein authorized, which shall serve as the basis of
6 State reimbursement in accordance with the provisions of this
7 Section. In the approval of programs and the determination of
8 the cost of instruction, the Illinois Community College Board
9 shall provide for the maximum utilization of federal funds for
10 such programs. The Illinois Community College Board shall also
11 provide for:

12 (1) the development of an index of need for program
13 planning and for area funding allocations, as defined by
14 the Illinois Community College Board;

15 (2) the method for calculating hours of instruction, as
16 defined by the Illinois Community College Board, claimable
17 for reimbursement and a method to phase in the calculation
18 and for adjusting the calculations in cases where the
19 services of a program are interrupted due to circumstances
20 beyond the control of the program provider;

21 (3) a plan for the reallocation of funds to increase
22 the amount allocated for grants based upon program
23 performance as set forth in subsection (d) below; and

24 (4) the development of standards for determining
25 grants based upon performance as set forth in subsection
26 (d) below and a plan for the phased-in implementation of

1 those standards.

2 For instruction provided by school districts and community
3 college districts beginning July 1, 1996 and thereafter,
4 reimbursement provided by the Illinois Community College Board
5 for classes authorized by this Section shall be provided from
6 funds appropriated for the reimbursement criteria set forth in
7 subsection (c) below.

8 (c) Upon the annual approval of the Illinois Community
9 College Board, reimbursement shall be first provided for
10 transportation, child care services, and other special needs of
11 the students directly related to instruction and then from the
12 funds remaining an amount equal to the product of the total
13 credit hours or units of instruction approved by the Illinois
14 Community College Board, multiplied by the following:

15 (1) For adult basic education, the maximum
16 reimbursement per credit hour or per unit of instruction
17 shall be equal to (i) through fiscal year 2017, the general
18 state aid per pupil foundation level established in
19 subsection (B) of Section 18-8.05, divided by 60, or (ii)
20 in fiscal year 2018 and thereafter, the prior fiscal year
21 reimbursement level multiplied by the Consumer Price Index
22 for All Urban Consumers for all items published by the
23 United States Department of Labor;

24 (2) The maximum reimbursement per credit hour or per
25 unit of instruction in subparagraph (1) above shall be
26 weighted for students enrolled in classes defined as

1 vocational skills and approved by the Illinois Community
2 College Board by 1.25;

3 (3) The maximum reimbursement per credit hour or per
4 unit of instruction in subparagraph (1) above shall be
5 multiplied by .90 for students enrolled in classes defined
6 as adult secondary education programs and approved by the
7 Illinois Community College Board;

8 (4) (Blank); and

9 (5) Funding for program years after 1999-2000 shall be
10 determined by the Illinois Community College Board.

11 (d) Upon its annual approval, the Illinois Community
12 College Board shall provide grants to eligible programs for
13 supplemental activities to improve or expand services under the
14 Adult Education Act. Eligible programs shall be determined
15 based upon performance outcomes of students in the programs as
16 set by the Illinois Community College Board.

17 (e) Reimbursement under this Section shall not exceed the
18 actual costs of the approved program.

19 If the amount appropriated to the Illinois Community
20 College Board for reimbursement under this Section is less than
21 the amount required under this Act, the apportionment shall be
22 proportionately reduced.

23 School districts and community college districts may
24 assess students up to \$3.00 per credit hour, for classes other
25 than Adult Basic Education level programs, if needed to meet
26 program costs.

1 (f) An education plan shall be established for each adult
2 or youth whose schooling has been interrupted and who is
3 participating in the instructional programs provided under
4 this Section.

5 Each school board and community college shall keep an
6 accurate and detailed account of the students assigned to and
7 receiving instruction under this Section who are subject to
8 State reimbursement and shall submit reports of services
9 provided commencing with fiscal year 1997 as required by the
10 Illinois Community College Board.

11 For classes authorized under this Section, a credit hour or
12 unit of instruction is equal to 15 hours of direct instruction
13 for students enrolled in approved adult education programs at
14 midterm and making satisfactory progress, in accordance with
15 standards established by the Illinois Community College Board.

16 (g) Upon proof submitted to the Illinois Department of
17 Human Services of the payment of all claims submitted under
18 this Section, that Department shall apply for federal funds
19 made available therefor and any federal funds so received shall
20 be paid into the General Revenue Fund in the State Treasury.

21 School districts or community colleges providing classes
22 under this Section shall submit applications to the Illinois
23 Community College Board for preapproval in accordance with the
24 standards established by the Illinois Community College Board.
25 Payments shall be made by the Illinois Community College Board
26 based upon approved programs. Interim expenditure reports may

1 be required by the Illinois Community College Board. Final
2 claims for the school year shall be submitted to the regional
3 superintendents for transmittal to the Illinois Community
4 College Board. Final adjusted payments shall be made by
5 September 30.

6 If a school district or community college district fails to
7 provide, or is providing unsatisfactory or insufficient
8 classes under this Section, the Illinois Community College
9 Board may enter into agreements with public or private
10 educational or other agencies other than the public schools for
11 the establishment of such classes.

12 (h) If a school district or community college district
13 establishes child-care facilities for the children of
14 participants in classes established under this Section, it may
15 extend the use of these facilities to students who have
16 obtained employment and to other persons in the community whose
17 children require care and supervision while the parent or other
18 person in charge of the children is employed or otherwise
19 absent from the home during all or part of the day. It may make
20 the facilities available before and after as well as during
21 regular school hours to school age and preschool age children
22 who may benefit thereby, including children who require care
23 and supervision pending the return of their parent or other
24 person in charge of their care from employment or other
25 activity requiring absence from the home.

26 The Illinois Community College Board shall pay to the board

1 the cost of care in the facilities for any child who is a
2 recipient of financial aid under the Illinois Public Aid Code.

3 The board may charge for care of children for whom it
4 cannot make claim under the provisions of this Section. The
5 charge shall not exceed per capita cost, and to the extent
6 feasible, shall be fixed at a level which will permit
7 utilization by employed parents of low or moderate income. It
8 may also permit any other State or local governmental agency or
9 private agency providing care for children to purchase care.

10 After July 1, 1970 when the provisions of Section 10-20.20
11 become operative in the district, children in a child-care
12 facility shall be transferred to the kindergarten established
13 under that Section for such portion of the day as may be
14 required for the kindergarten program, and only the prorated
15 costs of care and training provided in the Center for the
16 remaining period shall be charged to the Illinois Department of
17 Human Services or other persons or agencies paying for such
18 care.

19 (i) The provisions of this Section shall also apply to
20 school districts having a population exceeding 500,000.

21 (j) In addition to claiming reimbursement under this
22 Section, a school district may claim general State aid under
23 Section 18-8.05 or evidence-based funding under Section
24 18-8.15 for any student under age 21 who is enrolled in courses
25 accepted for graduation from elementary or high school and who
26 otherwise meets the requirements of Section 18-8.05 or 18-8.15,

1 as applicable.

2 (Source: P.A. 98-718, eff. 1-1-15.)

3 (105 ILCS 5/10-29)

4 Sec. 10-29. Remote educational programs.

5 (a) For purposes of this Section, "remote educational
6 program" means an educational program delivered to students in
7 the home or other location outside of a school building that
8 meets all of the following criteria:

9 (1) A student may participate in the program only after
10 the school district, pursuant to adopted school board
11 policy, and a person authorized to enroll the student under
12 Section 10-20.12b of this Code determine that a remote
13 educational program will best serve the student's
14 individual learning needs. The adopted school board policy
15 shall include, but not be limited to, all of the following:

16 (A) Criteria for determining that a remote
17 educational program will best serve a student's
18 individual learning needs. The criteria must include
19 consideration of, at a minimum, a student's prior
20 attendance, disciplinary record, and academic history.

21 (B) Any limitations on the number of students or
22 grade levels that may participate in a remote
23 educational program.

24 (C) A description of the process that the school
25 district will use to approve participation in the

1 remote educational program. The process must include
2 without limitation a requirement that, for any student
3 who qualifies to receive services pursuant to the
4 federal Individuals with Disabilities Education
5 Improvement Act of 2004, the student's participation
6 in a remote educational program receive prior approval
7 from the student's individualized education program
8 team.

9 (D) A description of the process the school
10 district will use to develop and approve a written
11 remote educational plan that meets the requirements of
12 subdivision (5) of this subsection (a).

13 (E) A description of the system the school district
14 will establish to calculate the number of clock hours a
15 student is participating in instruction in accordance
16 with the remote educational program.

17 (F) A description of the process for renewing a
18 remote educational program at the expiration of its
19 term.

20 (G) Such other terms and provisions as the school
21 district deems necessary to provide for the
22 establishment and delivery of a remote educational
23 program.

24 (2) The school district has determined that the remote
25 educational program's curriculum is aligned to State
26 learning standards and that the program offers instruction

1 and educational experiences consistent with those given to
2 students at the same grade level in the district.

3 (3) The remote educational program is delivered by
4 instructors that meet the following qualifications:

5 (A) they are certificated under Article 21 of this
6 Code;

7 (B) they meet applicable highly qualified criteria
8 under the federal No Child Left Behind Act of 2001; and

9 (C) they have responsibility for all of the
10 following elements of the program: planning
11 instruction, diagnosing learning needs, prescribing
12 content delivery through class activities, assessing
13 learning, reporting outcomes to administrators and
14 parents and guardians, and evaluating the effects of
15 instruction.

16 (4) During the period of time from and including the
17 opening date to the closing date of the regular school term
18 of the school district established pursuant to Section
19 10-19 of this Code, participation in a remote educational
20 program may be claimed for general State aid purposes under
21 Section 18-8.05 of this Code or evidence-based funding
22 purposes under Section 18-8.15 of this Code on any calendar
23 day, notwithstanding whether the day is a day of pupil
24 attendance or institute day on the school district's
25 calendar or any other provision of law restricting
26 instruction on that day. If the district holds year-round

1 classes in some buildings, the district shall classify each
2 student's participation in a remote educational program as
3 either on a year-round or a non-year-round schedule for
4 purposes of claiming general State aid or evidence-based
5 funding. Outside of the regular school term of the
6 district, the remote educational program may be offered as
7 part of any summer school program authorized by this Code.

8 (5) Each student participating in a remote educational
9 program must have a written remote educational plan that
10 has been approved by the school district and a person
11 authorized to enroll the student under Section 10-20.12b of
12 this Code. The school district and a person authorized to
13 enroll the student under Section 10-20.12b of this Code
14 must approve any amendment to a remote educational plan.
15 The remote educational plan must include, but is not
16 limited to, all of the following:

17 (A) Specific achievement goals for the student
18 aligned to State learning standards.

19 (B) A description of all assessments that will be
20 used to measure student progress, which description
21 shall indicate the assessments that will be
22 administered at an attendance center within the school
23 district.

24 (C) A description of the progress reports that will
25 be provided to the school district and the person or
26 persons authorized to enroll the student under Section

1 10-20.12b of this Code.

2 (D) Expectations, processes, and schedules for
3 interaction between a teacher and student.

4 (E) A description of the specific responsibilities
5 of the student's family and the school district with
6 respect to equipment, materials, phone and Internet
7 service, and any other requirements applicable to the
8 home or other location outside of a school building
9 necessary for the delivery of the remote educational
10 program.

11 (F) If applicable, a description of how the remote
12 educational program will be delivered in a manner
13 consistent with the student's individualized education
14 program required by Section 614(d) of the federal
15 Individuals with Disabilities Education Improvement
16 Act of 2004 or plan to ensure compliance with Section
17 504 of the federal Rehabilitation Act of 1973.

18 (G) A description of the procedures and
19 opportunities for participation in academic and
20 extra-curricular activities and programs within the
21 school district.

22 (H) The identification of a parent, guardian, or
23 other responsible adult who will provide direct
24 supervision of the program. The plan must include an
25 acknowledgment by the parent, guardian, or other
26 responsible adult that he or she may engage only in

1 non-teaching duties not requiring instructional
2 judgment or the evaluation of a student. The plan shall
3 designate the parent, guardian, or other responsible
4 adult as non-teaching personnel or volunteer personnel
5 under subsection (a) of Section 10-22.34 of this Code.

6 (I) The identification of a school district
7 administrator who will oversee the remote educational
8 program on behalf of the school district and who may be
9 contacted by the student's parents with respect to any
10 issues or concerns with the program.

11 (J) The term of the student's participation in the
12 remote educational program, which may not extend for
13 longer than 12 months, unless the term is renewed by
14 the district in accordance with subdivision (7) of this
15 subsection (a).

16 (K) A description of the specific location or
17 locations in which the program will be delivered. If
18 the remote educational program is to be delivered to a
19 student in any location other than the student's home,
20 the plan must include a written determination by the
21 school district that the location will provide a
22 learning environment appropriate for the delivery of
23 the program. The location or locations in which the
24 program will be delivered shall be deemed a long
25 distance teaching reception area under subsection (a)
26 of Section 10-22.34 of this Code.

1 (L) Certification by the school district that the
2 plan meets all other requirements of this Section.

3 (6) Students participating in a remote educational
4 program must be enrolled in a school district attendance
5 center pursuant to the school district's enrollment policy
6 or policies. A student participating in a remote
7 educational program must be tested as part of all
8 assessments administered by the school district pursuant
9 to Section 2-3.64a-5 of this Code at the attendance center
10 in which the student is enrolled and in accordance with the
11 attendance center's assessment policies and schedule. The
12 student must be included within all accountability
13 determinations for the school district and attendance
14 center under State and federal law.

15 (7) The term of a student's participation in a remote
16 educational program may not extend for longer than 12
17 months, unless the term is renewed by the school district.
18 The district may only renew a student's participation in a
19 remote educational program following an evaluation of the
20 student's progress in the program, a determination that the
21 student's continuation in the program will best serve the
22 student's individual learning needs, and an amendment to
23 the student's written remote educational plan addressing
24 any changes for the upcoming term of the program.

25 For purposes of this Section, a remote educational program
26 does not include instruction delivered to students through an

1 e-learning program approved under Section 10-20.56 of this
2 Code.

3 (b) A school district may, by resolution of its school
4 board, establish a remote educational program.

5 (c) Clock hours of instruction by students in a remote
6 educational program meeting the requirements of this Section
7 may be claimed by the school district and shall be counted as
8 school work for general State aid purposes in accordance with
9 and subject to the limitations of Section 18-8.05 of this Code
10 or evidence-based funding purposes in accordance with and
11 subject to the limitations of Section 18-8.15 of this Code.

12 (d) The impact of remote educational programs on wages,
13 hours, and terms and conditions of employment of educational
14 employees within the school district shall be subject to local
15 collective bargaining agreements.

16 (e) The use of a home or other location outside of a school
17 building for a remote educational program shall not cause the
18 home or other location to be deemed a public school facility.

19 (f) A remote educational program may be used, but is not
20 required, for instruction delivered to a student in the home or
21 other location outside of a school building that is not claimed
22 for general State aid purposes under Section 18-8.05 of this
23 Code or evidence-based funding purposes under Section 18-8.15
24 of this Code.

25 (g) School districts that, pursuant to this Section, adopt
26 a policy for a remote educational program must submit to the

1 State Board of Education a copy of the policy and any
2 amendments thereto, as well as data on student participation in
3 a format specified by the State Board of Education. The State
4 Board of Education may perform or contract with an outside
5 entity to perform an evaluation of remote educational programs
6 in this State.

7 (h) The State Board of Education may adopt any rules
8 necessary to ensure compliance by remote educational programs
9 with the requirements of this Section and other applicable
10 legal requirements.

11 (Source: P.A. 98-972, eff. 8-15-14; 99-193, eff. 7-30-15;
12 99-194, eff. 7-30-15; 99-642, eff. 7-28-16.)

13 (105 ILCS 5/11E-135)

14 Sec. 11E-135. Incentives. For districts reorganizing under
15 this Article and for a district or districts that annex all of
16 the territory of one or more entire other school districts in
17 accordance with Article 7 of this Code, the following payments
18 shall be made from appropriations made for these purposes:

19 (a)(1) For a combined school district, as defined in
20 Section 11E-20 of this Code, or for a unit district, as defined
21 in Section 11E-25 of this Code, for its first year of
22 existence, the general State aid and supplemental general State
23 aid calculated under Section 18-8.05 of this Code or the
24 evidence-based funding calculated under Section 18-8.15 of
25 this Code, as applicable, shall be computed for the new

1 district and for the previously existing districts for which
2 property is totally included within the new district. If the
3 computation on the basis of the previously existing districts
4 is greater, a supplementary payment equal to the difference
5 shall be made for the first 4 years of existence of the new
6 district.

7 (2) For a school district that annexes all of the territory
8 of one or more entire other school districts as defined in
9 Article 7 of this Code, for the first year during which the
10 change of boundaries attributable to the annexation becomes
11 effective for all purposes, as determined under Section 7-9 of
12 this Code, the general State aid and supplemental general State
13 aid calculated under Section 18-8.05 of this Code or the
14 evidence-based funding calculated under Section 18-8.15 of
15 this Code, as applicable, shall be computed for the annexing
16 district as constituted after the annexation and for the
17 annexing and each annexed district as constituted prior to the
18 annexation; and if the computation on the basis of the annexing
19 and annexed districts as constituted prior to the annexation is
20 greater, then a supplementary payment equal to the difference
21 shall be made for the first 4 years of existence of the
22 annexing school district as constituted upon the annexation.

23 (3) For 2 or more school districts that annex all of the
24 territory of one or more entire other school districts, as
25 defined in Article 7 of this Code, for the first year during
26 which the change of boundaries attributable to the annexation

1 becomes effective for all purposes, as determined under Section
2 7-9 of this Code, the general State aid and supplemental
3 general State aid calculated under Section 18-8.05 of this Code
4 or the evidence-based funding calculated under Section 18-8.15
5 of this Code, as applicable, shall be computed for each
6 annexing district as constituted after the annexation and for
7 each annexing and annexed district as constituted prior to the
8 annexation; and if the aggregate of the general State aid and
9 supplemental general State aid or evidence-based funding, as
10 applicable, as so computed for the annexing districts as
11 constituted after the annexation is less than the aggregate of
12 the general State aid and supplemental general State aid or
13 evidence-based funding, as applicable, as so computed for the
14 annexing and annexed districts, as constituted prior to the
15 annexation, then a supplementary payment equal to the
16 difference shall be made and allocated between or among the
17 annexing districts, as constituted upon the annexation, for the
18 first 4 years of their existence. The total difference payment
19 shall be allocated between or among the annexing districts in
20 the same ratio as the pupil enrollment from that portion of the
21 annexed district or districts that is annexed to each annexing
22 district bears to the total pupil enrollment from the entire
23 annexed district or districts, as such pupil enrollment is
24 determined for the school year last ending prior to the date
25 when the change of boundaries attributable to the annexation
26 becomes effective for all purposes. The amount of the total

1 difference payment and the amount thereof to be allocated to
2 the annexing districts shall be computed by the State Board of
3 Education on the basis of pupil enrollment and other data that
4 shall be certified to the State Board of Education, on forms
5 that it shall provide for that purpose, by the regional
6 superintendent of schools for each educational service region
7 in which the annexing and annexed districts are located.

8 (4) For a school district conversion, as defined in Section
9 11E-15 of this Code, or a multi-unit conversion, as defined in
10 subsection (b) of Section 11E-30 of this Code, if in their
11 first year of existence the newly created elementary districts
12 and the newly created high school district, from a school
13 district conversion, or the newly created elementary district
14 or districts and newly created combined high school - unit
15 district, from a multi-unit conversion, qualify for less
16 general State aid under Section 18-8.05 of this Code or
17 evidence-based funding under Section 18-8.15 of this Code than
18 would have been payable under Section 18-8.05 or 18-8.15, as
19 applicable, for that same year to the previously existing
20 districts, then a supplementary payment equal to that
21 difference shall be made for the first 4 years of existence of
22 the newly created districts. The aggregate amount of each
23 supplementary payment shall be allocated among the newly
24 created districts in the proportion that the deemed pupil
25 enrollment in each district during its first year of existence
26 bears to the actual aggregate pupil enrollment in all of the

1 districts during their first year of existence. For purposes of
2 each allocation:

3 (A) the deemed pupil enrollment of the newly created
4 high school district from a school district conversion
5 shall be an amount equal to its actual pupil enrollment for
6 its first year of existence multiplied by 1.25;

7 (B) the deemed pupil enrollment of each newly created
8 elementary district from a school district conversion
9 shall be an amount equal to its actual pupil enrollment for
10 its first year of existence reduced by an amount equal to
11 the product obtained when the amount by which the newly
12 created high school district's deemed pupil enrollment
13 exceeds its actual pupil enrollment for its first year of
14 existence is multiplied by a fraction, the numerator of
15 which is the actual pupil enrollment of the newly created
16 elementary district for its first year of existence and the
17 denominator of which is the actual aggregate pupil
18 enrollment of all of the newly created elementary districts
19 for their first year of existence;

20 (C) the deemed high school pupil enrollment of the
21 newly created combined high school - unit district from a
22 multi-unit conversion shall be an amount equal to its
23 actual grades 9 through 12 pupil enrollment for its first
24 year of existence multiplied by 1.25; and

25 (D) the deemed elementary pupil enrollment of each
26 newly created district from a multi-unit conversion shall

1 be an amount equal to each district's actual grade K
2 through 8 pupil enrollment for its first year of existence,
3 reduced by an amount equal to the product obtained when the
4 amount by which the newly created combined high school -
5 unit district's deemed high school pupil enrollment
6 exceeds its actual grade 9 through 12 pupil enrollment for
7 its first year of existence is multiplied by a fraction,
8 the numerator of which is the actual grade K through 8
9 pupil enrollment of each newly created district for its
10 first year of existence and the denominator of which is the
11 actual aggregate grade K through 8 pupil enrollment of all
12 such newly created districts for their first year of
13 existence.

14 The aggregate amount of each supplementary payment under
15 this subdivision (4) and the amount thereof to be allocated to
16 the newly created districts shall be computed by the State
17 Board of Education on the basis of pupil enrollment and other
18 data, which shall be certified to the State Board of Education,
19 on forms that it shall provide for that purpose, by the
20 regional superintendent of schools for each educational
21 service region in which the newly created districts are
22 located.

23 (5) For a partial elementary unit district, as defined in
24 subsection (a) or (c) of Section 11E-30 of this Code, if, in
25 the first year of existence, the newly created partial
26 elementary unit district qualifies for less general State aid

1 and supplemental general State aid under Section 18-8.05 of
2 this Code or less evidence-based funding under Section 18-8.15
3 of this Code, as applicable, than would have been payable under
4 those Sections ~~that Section~~ for that same year to the
5 previously existing districts that formed the partial
6 elementary unit district, then a supplementary payment equal to
7 that difference shall be made to the partial elementary unit
8 district for the first 4 years of existence of that newly
9 created district.

10 (6) For an elementary opt-in, as described in subsection
11 (d) of Section 11E-30 of this Code, the general State aid or
12 evidence-based funding difference shall be computed in
13 accordance with paragraph (5) of this subsection (a) as if the
14 elementary opt-in was included in an optional elementary unit
15 district at the optional elementary unit district's original
16 effective date. If the calculation in this paragraph (6) is
17 less than that calculated in paragraph (5) of this subsection
18 (a) at the optional elementary unit district's original
19 effective date, then no adjustments may be made. If the
20 calculation in this paragraph (6) is more than that calculated
21 in paragraph (5) of this subsection (a) at the optional
22 elementary unit district's original effective date, then the
23 excess must be paid as follows:

24 (A) If the effective date for the elementary opt-in is
25 one year after the effective date for the optional
26 elementary unit district, 100% of the calculated excess

1 shall be paid to the optional elementary unit district in
2 each of the first 4 years after the effective date of the
3 elementary opt-in.

4 (B) If the effective date for the elementary opt-in is
5 2 years after the effective date for the optional
6 elementary unit district, 75% of the calculated excess
7 shall be paid to the optional elementary unit district in
8 each of the first 4 years after the effective date of the
9 elementary opt-in.

10 (C) If the effective date for the elementary opt-in is
11 3 years after the effective date for the optional
12 elementary unit district, 50% of the calculated excess
13 shall be paid to the optional elementary unit district in
14 each of the first 4 years after the effective date of the
15 elementary opt-in.

16 (D) If the effective date for the elementary opt-in is
17 4 years after the effective date for the optional
18 elementary unit district, 25% of the calculated excess
19 shall be paid to the optional elementary unit district in
20 each of the first 4 years after the effective date of the
21 elementary opt-in.

22 (E) If the effective date for the elementary opt-in is
23 5 years after the effective date for the optional
24 elementary unit district, the optional elementary unit
25 district is not eligible for any additional incentives due
26 to the elementary opt-in.

1 (6.5) For a school district that annexes territory detached
2 from another school district whereby the enrollment of the
3 annexing district increases by 90% or more as a result of the
4 annexation, for the first year during which the change of
5 boundaries attributable to the annexation becomes effective
6 for all purposes as determined under Section 7-9 of this Code,
7 the general State aid and supplemental general State aid or
8 evidence-based funding, as applicable, calculated under this
9 Section shall be computed for the district gaining territory
10 and the district losing territory as constituted after the
11 annexation and for the same districts as constituted prior to
12 the annexation; and if the aggregate of the general State aid
13 and supplemental general State aid or evidence-based funding,
14 as applicable, as so computed for the district gaining
15 territory and the district losing territory as constituted
16 after the annexation is less than the aggregate of the general
17 State aid and supplemental general State aid or evidence-based
18 funding, as applicable, as so computed for the district gaining
19 territory and the district losing territory as constituted
20 prior to the annexation, then a supplementary payment shall be
21 made to the annexing district for the first 4 years of
22 existence after the annexation, equal to the difference
23 multiplied by the ratio of student enrollment in the territory
24 detached to the total student enrollment in the district losing
25 territory for the year prior to the effective date of the
26 annexation. The amount of the total difference and the

1 proportion paid to the annexing district shall be computed by
2 the State Board of Education on the basis of pupil enrollment
3 and other data that must be submitted to the State Board of
4 Education in accordance with Section 7-14A of this Code. The
5 changes to this Section made by Public Act 95-707 are intended
6 to be retroactive and applicable to any annexation taking
7 effect on or after July 1, 2004. For annexations that are
8 eligible for payments under this paragraph (6.5) and that are
9 effective on or after July 1, 2004, but before January 11, 2008
10 (the effective date of Public Act 95-707), the first required
11 yearly payment under this paragraph (6.5) shall be paid in the
12 fiscal year of January 11, 2008 (the effective date of Public
13 Act 95-707). Subsequent required yearly payments shall be paid
14 in subsequent fiscal years until the payment obligation under
15 this paragraph (6.5) is complete.

16 (7) Claims for financial assistance under this subsection
17 (a) may not be recomputed except as expressly provided under
18 Section 18-8.05 or 18-8.15 of this Code.

19 (8) Any supplementary payment made under this subsection
20 (a) must be treated as separate from all other payments made
21 pursuant to Section 18-8.05 or 18-8.15 of this Code.

22 (b) (1) After the formation of a combined school district,
23 as defined in Section 11E-20 of this Code, or a unit district,
24 as defined in Section 11E-25 of this Code, a computation shall
25 be made to determine the difference between the salaries
26 effective in each of the previously existing districts on June

1 30, prior to the creation of the new district. For the first 4
2 years after the formation of the new district, a supplementary
3 State aid reimbursement shall be paid to the new district equal
4 to the difference between the sum of the salaries earned by
5 each of the certificated members of the new district, while
6 employed in one of the previously existing districts during the
7 year immediately preceding the formation of the new district,
8 and the sum of the salaries those certificated members would
9 have been paid during the year immediately prior to the
10 formation of the new district if placed on the salary schedule
11 of the previously existing district with the highest salary
12 schedule.

13 (2) After the territory of one or more school districts is
14 annexed by one or more other school districts as defined in
15 Article 7 of this Code, a computation shall be made to
16 determine the difference between the salaries effective in each
17 annexed district and in the annexing district or districts as
18 they were each constituted on June 30 preceding the date when
19 the change of boundaries attributable to the annexation became
20 effective for all purposes, as determined under Section 7-9 of
21 this Code. For the first 4 years after the annexation, a
22 supplementary State aid reimbursement shall be paid to each
23 annexing district as constituted after the annexation equal to
24 the difference between the sum of the salaries earned by each
25 of the certificated members of the annexing district as
26 constituted after the annexation, while employed in an annexed

1 or annexing district during the year immediately preceding the
2 annexation, and the sum of the salaries those certificated
3 members would have been paid during the immediately preceding
4 year if placed on the salary schedule of whichever of the
5 annexing or annexed districts had the highest salary schedule
6 during the immediately preceding year.

7 (3) For each new high school district formed under a school
8 district conversion, as defined in Section 11E-15 of this Code,
9 the State shall make a supplementary payment for 4 years equal
10 to the difference between the sum of the salaries earned by
11 each certified member of the new high school district, while
12 employed in one of the previously existing districts, and the
13 sum of the salaries those certified members would have been
14 paid if placed on the salary schedule of the previously
15 existing district with the highest salary schedule.

16 (4) For each newly created partial elementary unit
17 district, the State shall make a supplementary payment for 4
18 years equal to the difference between the sum of the salaries
19 earned by each certified member of the newly created partial
20 elementary unit district, while employed in one of the
21 previously existing districts that formed the partial
22 elementary unit district, and the sum of the salaries those
23 certified members would have been paid if placed on the salary
24 schedule of the previously existing district with the highest
25 salary schedule. The salary schedules used in the calculation
26 shall be those in effect in the previously existing districts

1 for the school year prior to the creation of the new partial
2 elementary unit district.

3 (5) For an elementary district opt-in, as described in
4 subsection (d) of Section 11E-30 of this Code, the salary
5 difference incentive shall be computed in accordance with
6 paragraph (4) of this subsection (b) as if the opted-in
7 elementary district was included in the optional elementary
8 unit district at the optional elementary unit district's
9 original effective date. If the calculation in this paragraph
10 (5) is less than that calculated in paragraph (4) of this
11 subsection (b) at the optional elementary unit district's
12 original effective date, then no adjustments may be made. If
13 the calculation in this paragraph (5) is more than that
14 calculated in paragraph (4) of this subsection (b) at the
15 optional elementary unit district's original effective date,
16 then the excess must be paid as follows:

17 (A) If the effective date for the elementary opt-in is
18 one year after the effective date for the optional
19 elementary unit district, 100% of the calculated excess
20 shall be paid to the optional elementary unit district in
21 each of the first 4 years after the effective date of the
22 elementary opt-in.

23 (B) If the effective date for the elementary opt-in is
24 2 years after the effective date for the optional
25 elementary unit district, 75% of the calculated excess
26 shall be paid to the optional elementary unit district in

1 each of the first 4 years after the effective date of the
2 elementary opt-in.

3 (C) If the effective date for the elementary opt-in is
4 3 years after the effective date for the optional
5 elementary unit district, 50% of the calculated excess
6 shall be paid to the optional elementary unit district in
7 each of the first 4 years after the effective date of the
8 elementary opt-in.

9 (D) If the effective date for the elementary opt-in is
10 4 years after the effective date for the partial elementary
11 unit district, 25% of the calculated excess shall be paid
12 to the optional elementary unit district in each of the
13 first 4 years after the effective date of the elementary
14 opt-in.

15 (E) If the effective date for the elementary opt-in is
16 5 years after the effective date for the optional
17 elementary unit district, the optional elementary unit
18 district is not eligible for any additional incentives due
19 to the elementary opt-in.

20 (5.5) After the formation of a cooperative high school by 2
21 or more school districts under Section 10-22.22c of this Code,
22 a computation shall be made to determine the difference between
23 the salaries effective in each of the previously existing high
24 schools on June 30 prior to the formation of the cooperative
25 high school. For the first 4 years after the formation of the
26 cooperative high school, a supplementary State aid

1 reimbursement shall be paid to the cooperative high school
2 equal to the difference between the sum of the salaries earned
3 by each of the certificated members of the cooperative high
4 school while employed in one of the previously existing high
5 schools during the year immediately preceding the formation of
6 the cooperative high school and the sum of the salaries those
7 certificated members would have been paid during the year
8 immediately prior to the formation of the cooperative high
9 school if placed on the salary schedule of the previously
10 existing high school with the highest salary schedule.

11 (5.10) After the annexation of territory detached from
12 another school district whereby the enrollment of the annexing
13 district increases by 90% or more as a result of the
14 annexation, a computation shall be made to determine the
15 difference between the salaries effective in the district
16 gaining territory and the district losing territory as they
17 each were constituted on June 30 preceding the date when the
18 change of boundaries attributable to the annexation became
19 effective for all purposes as determined under Section 7-9 of
20 this Code. For the first 4 years after the annexation, a
21 supplementary State aid reimbursement shall be paid to the
22 annexing district equal to the difference between the sum of
23 the salaries earned by each of the certificated members of the
24 annexing district as constituted after the annexation while
25 employed in the district gaining territory or the district
26 losing territory during the year immediately preceding the

1 annexation and the sum of the salaries those certificated
2 members would have been paid during such immediately preceding
3 year if placed on the salary schedule of whichever of the
4 district gaining territory or district losing territory had the
5 highest salary schedule during the immediately preceding year.
6 To be eligible for supplementary State aid reimbursement under
7 this Section, the intergovernmental agreement to be submitted
8 pursuant to Section 7-14A of this Code must show that staff
9 members were transferred from the control of the district
10 losing territory to the control of the district gaining
11 territory in the annexation. The changes to this Section made
12 by Public Act 95-707 are intended to be retroactive and
13 applicable to any annexation taking effect on or after July 1,
14 2004. For annexations that are eligible for payments under this
15 paragraph (5.10) and that are effective on or after July 1,
16 2004, but before January 11, 2008 (the effective date of Public
17 Act 95-707), the first required yearly payment under this
18 paragraph (5.10) shall be paid in the fiscal year of January
19 11, 2008 (the effective date of Public Act 95-707). Subsequent
20 required yearly payments shall be paid in subsequent fiscal
21 years until the payment obligation under this paragraph (5.10)
22 is complete.

23 (5.15) After the deactivation of a school facility in
24 accordance with Section 10-22.22b of this Code, a computation
25 shall be made to determine the difference between the salaries
26 effective in the sending school district and each receiving

1 school district on June 30 prior to the deactivation of the
2 school facility. For the lesser of the first 4 years after the
3 deactivation of the school facility or the length of the
4 deactivation agreement, including any renewals of the original
5 deactivation agreement, a supplementary State aid
6 reimbursement shall be paid to each receiving district equal to
7 the difference between the sum of the salaries earned by each
8 of the certificated members transferred to that receiving
9 district as a result of the deactivation while employed in the
10 sending district during the year immediately preceding the
11 deactivation and the sum of the salaries those certificated
12 members would have been paid during the year immediately
13 preceding the deactivation if placed on the salary schedule of
14 the sending or receiving district with the highest salary
15 schedule.

16 (6) The supplementary State aid reimbursement under this
17 subsection (b) shall be treated as separate from all other
18 payments made pursuant to Section 18-8.05 of this Code. In the
19 case of the formation of a new district or cooperative high
20 school or a deactivation, reimbursement shall begin during the
21 first year of operation of the new district or cooperative high
22 school or the first year of the deactivation, and in the case
23 of an annexation of the territory of one or more school
24 districts by one or more other school districts or the
25 annexation of territory detached from a school district whereby
26 the enrollment of the annexing district increases by 90% or

1 more as a result of the annexation, reimbursement shall begin
2 during the first year when the change in boundaries
3 attributable to the annexation becomes effective for all
4 purposes as determined pursuant to Section 7-9 of this Code,
5 except that for an annexation of territory detached from a
6 school district that is effective on or after July 1, 2004, but
7 before January 11, 2008 (the effective date of Public Act
8 95-707), whereby the enrollment of the annexing district
9 increases by 90% or more as a result of the annexation,
10 reimbursement shall begin during the fiscal year of January 11,
11 2008 (the effective date of Public Act 95-707). Each year that
12 the new, annexing, or receiving district or cooperative high
13 school, as the case may be, is entitled to receive
14 reimbursement, the number of eligible certified members who are
15 employed on October 1 in the district or cooperative high
16 school shall be certified to the State Board of Education on
17 prescribed forms by October 15 and payment shall be made on or
18 before November 15 of that year.

19 (c) (1) For the first year after the formation of a combined
20 school district, as defined in Section 11E-20 of this Code or a
21 unit district, as defined in Section 11E-25 of this Code, a
22 computation shall be made totaling each previously existing
23 district's audited fund balances in the educational fund,
24 working cash fund, operations and maintenance fund, and
25 transportation fund for the year ending June 30 prior to the
26 referendum for the creation of the new district. The new

1 district shall be paid supplementary State aid equal to the sum
2 of the differences between the deficit of the previously
3 existing district with the smallest deficit and the deficits of
4 each of the other previously existing districts.

5 (2) For the first year after the annexation of all of the
6 territory of one or more entire school districts by another
7 school district, as defined in Article 7 of this Code,
8 computations shall be made, for the year ending June 30 prior
9 to the date that the change of boundaries attributable to the
10 annexation is allowed by the affirmative decision issued by the
11 regional board of school trustees under Section 7-6 of this
12 Code, notwithstanding any effort to seek administrative review
13 of the decision, totaling the annexing district's and totaling
14 each annexed district's audited fund balances in their
15 respective educational, working cash, operations and
16 maintenance, and transportation funds. The annexing district
17 as constituted after the annexation shall be paid supplementary
18 State aid equal to the sum of the differences between the
19 deficit of whichever of the annexing or annexed districts as
20 constituted prior to the annexation had the smallest deficit
21 and the deficits of each of the other districts as constituted
22 prior to the annexation.

23 (3) For the first year after the annexation of all of the
24 territory of one or more entire school districts by 2 or more
25 other school districts, as defined by Article 7 of this Code,
26 computations shall be made, for the year ending June 30 prior

1 to the date that the change of boundaries attributable to the
2 annexation is allowed by the affirmative decision of the
3 regional board of school trustees under Section 7-6 of this
4 Code, notwithstanding any action for administrative review of
5 the decision, totaling each annexing and annexed district's
6 audited fund balances in their respective educational, working
7 cash, operations and maintenance, and transportation funds.
8 The annexing districts as constituted after the annexation
9 shall be paid supplementary State aid, allocated as provided in
10 this paragraph (3), in an aggregate amount equal to the sum of
11 the differences between the deficit of whichever of the
12 annexing or annexed districts as constituted prior to the
13 annexation had the smallest deficit and the deficits of each of
14 the other districts as constituted prior to the annexation. The
15 aggregate amount of the supplementary State aid payable under
16 this paragraph (3) shall be allocated between or among the
17 annexing districts as follows:

18 (A) the regional superintendent of schools for each
19 educational service region in which an annexed district is
20 located prior to the annexation shall certify to the State
21 Board of Education, on forms that it shall provide for that
22 purpose, the value of all taxable property in each annexed
23 district, as last equalized or assessed by the Department
24 of Revenue prior to the annexation, and the equalized
25 assessed value of each part of the annexed district that
26 was annexed to or included as a part of an annexing

1 district;

2 (B) using equalized assessed values as certified by the
3 regional superintendent of schools under clause (A) of this
4 paragraph (3), the combined audited fund balance deficit of
5 each annexed district as determined under this Section
6 shall be apportioned between or among the annexing
7 districts in the same ratio as the equalized assessed value
8 of that part of the annexed district that was annexed to or
9 included as a part of an annexing district bears to the
10 total equalized assessed value of the annexed district; and

11 (C) the aggregate supplementary State aid payment
12 under this paragraph (3) shall be allocated between or
13 among, and shall be paid to, the annexing districts in the
14 same ratio as the sum of the combined audited fund balance
15 deficit of each annexing district as constituted prior to
16 the annexation, plus all combined audited fund balance
17 deficit amounts apportioned to that annexing district
18 under clause (B) of this subsection, bears to the aggregate
19 of the combined audited fund balance deficits of all of the
20 annexing and annexed districts as constituted prior to the
21 annexation.

22 (4) For the new elementary districts and new high school
23 district formed through a school district conversion, as
24 defined in Section 11E-15 of this Code or the new elementary
25 district or districts and new combined high school - unit
26 district formed through a multi-unit conversion, as defined in

1 subsection (b) of Section 11E-30 of this Code, a computation
2 shall be made totaling each previously existing district's
3 audited fund balances in the educational fund, working cash
4 fund, operations and maintenance fund, and transportation fund
5 for the year ending June 30 prior to the referendum
6 establishing the new districts. In the first year of the new
7 districts, the State shall make a one-time supplementary
8 payment equal to the sum of the differences between the deficit
9 of the previously existing district with the smallest deficit
10 and the deficits of each of the other previously existing
11 districts. A district with a combined balance among the 4 funds
12 that is positive shall be considered to have a deficit of zero.
13 The supplementary payment shall be allocated among the newly
14 formed high school and elementary districts in the manner
15 provided by the petition for the formation of the districts, in
16 the form in which the petition is approved by the regional
17 superintendent of schools or State Superintendent of Education
18 under Section 11E-50 of this Code.

19 (5) For each newly created partial elementary unit
20 district, as defined in subsection (a) or (c) of Section 11E-30
21 of this Code, a computation shall be made totaling the audited
22 fund balances of each previously existing district that formed
23 the new partial elementary unit district in the educational
24 fund, working cash fund, operations and maintenance fund, and
25 transportation fund for the year ending June 30 prior to the
26 referendum for the formation of the partial elementary unit

1 district. In the first year of the new partial elementary unit
2 district, the State shall make a one-time supplementary payment
3 to the new district equal to the sum of the differences between
4 the deficit of the previously existing district with the
5 smallest deficit and the deficits of each of the other
6 previously existing districts. A district with a combined
7 balance among the 4 funds that is positive shall be considered
8 to have a deficit of zero.

9 (6) For an elementary opt-in as defined in subsection (d)
10 of Section 11E-30 of this Code, the deficit fund balance
11 incentive shall be computed in accordance with paragraph (5) of
12 this subsection (c) as if the opted-in elementary was included
13 in the optional elementary unit district at the optional
14 elementary unit district's original effective date. If the
15 calculation in this paragraph (6) is less than that calculated
16 in paragraph (5) of this subsection (c) at the optional
17 elementary unit district's original effective date, then no
18 adjustments may be made. If the calculation in this paragraph
19 (6) is more than that calculated in paragraph (5) of this
20 subsection (c) at the optional elementary unit district's
21 original effective date, then the excess must be paid as
22 follows:

23 (A) If the effective date for the elementary opt-in is
24 one year after the effective date for the optional
25 elementary unit district, 100% of the calculated excess
26 shall be paid to the optional elementary unit district in

1 the first year after the effective date of the elementary
2 opt-in.

3 (B) If the effective date for the elementary opt-in is
4 2 years after the effective date for the optional
5 elementary unit district, 75% of the calculated excess
6 shall be paid to the optional elementary unit district in
7 the first year after the effective date of the elementary
8 opt-in.

9 (C) If the effective date for the elementary opt-in is
10 3 years after the effective date for the optional
11 elementary unit district, 50% of the calculated excess
12 shall be paid to the optional elementary unit district in
13 the first year after the effective date of the elementary
14 opt-in.

15 (D) If the effective date for the elementary opt-in is
16 4 years after the effective date for the optional
17 elementary unit district, 25% of the calculated excess
18 shall be paid to the optional elementary unit district in
19 the first year after the effective date of the elementary
20 opt-in.

21 (E) If the effective date for the elementary opt-in is
22 5 years after the effective date for the optional
23 elementary unit district, the optional elementary unit
24 district is not eligible for any additional incentives due
25 to the elementary opt-in.

26 (6.5) For the first year after the annexation of territory

1 detached from another school district whereby the enrollment of
2 the annexing district increases by 90% or more as a result of
3 the annexation, a computation shall be made totaling the
4 audited fund balances of the district gaining territory and the
5 audited fund balances of the district losing territory in the
6 educational fund, working cash fund, operations and
7 maintenance fund, and transportation fund for the year ending
8 June 30 prior to the date that the change of boundaries
9 attributable to the annexation is allowed by the affirmative
10 decision of the regional board of school trustees under Section
11 7-6 of this Code, notwithstanding any action for administrative
12 review of the decision. The annexing district as constituted
13 after the annexation shall be paid supplementary State aid
14 equal to the difference between the deficit of whichever
15 district included in this calculation as constituted prior to
16 the annexation had the smallest deficit and the deficit of each
17 other district included in this calculation as constituted
18 prior to the annexation, multiplied by the ratio of equalized
19 assessed value of the territory detached to the total equalized
20 assessed value of the district losing territory. The regional
21 superintendent of schools for the educational service region in
22 which a district losing territory is located prior to the
23 annexation shall certify to the State Board of Education the
24 value of all taxable property in the district losing territory
25 and the value of all taxable property in the territory being
26 detached, as last equalized or assessed by the Department of

1 Revenue prior to the annexation. To be eligible for
2 supplementary State aid reimbursement under this Section, the
3 intergovernmental agreement to be submitted pursuant to
4 Section 7-14A of this Code must show that fund balances were
5 transferred from the district losing territory to the district
6 gaining territory in the annexation. The changes to this
7 Section made by Public Act 95-707 are intended to be
8 retroactive and applicable to any annexation taking effect on
9 or after July 1, 2004. For annexations that are eligible for
10 payments under this paragraph (6.5) and that are effective on
11 or after July 1, 2004, but before January 11, 2008 (the
12 effective date of Public Act 95-707), the required payment
13 under this paragraph (6.5) shall be paid in the fiscal year of
14 January 11, 2008 (the effective date of Public Act 95-707).

15 (7) For purposes of any calculation required under
16 paragraph (1), (2), (3), (4), (5), (6), or (6.5) of this
17 subsection (c), a district with a combined fund balance that is
18 positive shall be considered to have a deficit of zero. For
19 purposes of determining each district's audited fund balances
20 in its educational fund, working cash fund, operations and
21 maintenance fund, and transportation fund for the specified
22 year ending June 30, as provided in paragraphs (1), (2), (3),
23 (4), (5), (6), and (6.5) of this subsection (c), the balance of
24 each fund shall be deemed decreased by an amount equal to the
25 amount of the annual property tax theretofore levied in the
26 fund by the district for collection and payment to the district

1 during the calendar year in which the June 30 fell, but only to
2 the extent that the tax so levied in the fund actually was
3 received by the district on or before or comprised a part of
4 the fund on such June 30. For purposes of determining each
5 district's audited fund balances, a calculation shall be made
6 for each fund to determine the average for the 3 years prior to
7 the specified year ending June 30, as provided in paragraphs
8 (1), (2), (3), (4), (5), (6), and (6.5) of this subsection (c),
9 of the district's expenditures in the categories "purchased
10 services", "supplies and materials", and "capital outlay", as
11 those categories are defined in rules of the State Board of
12 Education. If this 3-year average is less than the district's
13 expenditures in these categories for the specified year ending
14 June 30, as provided in paragraphs (1), (2), (3), (4), (5),
15 (6), and (6.5) of this subsection (c), then the 3-year average
16 shall be used in calculating the amounts payable under this
17 Section in place of the amounts shown in these categories for
18 the specified year ending June 30, as provided in paragraphs
19 (1), (2), (3), (4), (5), (6), and (6.5) of this subsection (c).
20 Any deficit because of State aid not yet received may not be
21 considered in determining the June 30 deficits. The same basis
22 of accounting shall be used by all previously existing
23 districts and by all annexing or annexed districts, as
24 constituted prior to the annexation, in making any computation
25 required under paragraphs (1), (2), (3), (4), (5), (6), and
26 (6.5) of this subsection (c).

1 (8) The supplementary State aid payments under this
2 subsection (c) shall be treated as separate from all other
3 payments made pursuant to Section 18-8.05 of this Code.

4 (d)(1) Following the formation of a combined school
5 district, as defined in Section 11E-20 of this Code, a new unit
6 district, as defined in Section 11E-25 of this Code, a new
7 elementary district or districts and a new high school district
8 formed through a school district conversion, as defined in
9 Section 11E-15 of this Code, a new partial elementary unit
10 district, as defined in Section 11E-30 of this Code, or a new
11 elementary district or districts formed through a multi-unit
12 conversion, as defined in subsection (b) of Section 11E-30 of
13 this Code, or the annexation of all of the territory of one or
14 more entire school districts by one or more other school
15 districts, as defined in Article 7 of this Code, a
16 supplementary State aid reimbursement shall be paid for the
17 number of school years determined under the following table to
18 each new or annexing district equal to the sum of \$4,000 for
19 each certified employee who is employed by the district on a
20 full-time basis for the regular term of the school year:

21	Reorganized District's Rank	Reorganized District's Rank
22	by type of district (unit,	in Average Daily Attendance
23	high school, elementary)	By Quintile
24	in Equalized Assessed Value	
25	Per Pupil by Quintile	

1				3rd, 4th,
2		1st	2nd	or 5th
3		Quintile	Quintile	Quintile
4	1st Quintile	1 year	1 year	1 year
5	2nd Quintile	1 year	2 years	2 years
6	3rd Quintile	2 years	3 years	3 years
7	4th Quintile	2 years	3 years	3 years
8	5th Quintile	2 years	3 years	3 years

9 The State Board of Education shall make a one-time calculation
10 of a reorganized district's quintile ranks. The average daily
11 attendance used in this calculation shall be the best 3 months'
12 average daily attendance for the district's first year. The
13 equalized assessed value per pupil shall be the district's real
14 property equalized assessed value used in calculating the
15 district's first-year general State aid claim, under Section
16 18-8.05 of this Code, or first-year evidence-based funding
17 claim, under Section 18-8.15 of this Code, as applicable,
18 divided by the best 3 months' average daily attendance.

19 No annexing or resulting school district shall be entitled
20 to supplementary State aid under this subsection (d) unless the
21 district acquires at least 30% of the average daily attendance
22 of the district from which the territory is being detached or
23 divided.

24 If a district results from multiple reorganizations that
25 would otherwise qualify the district for multiple payments

1 under this subsection (d) in any year, then the district shall
2 receive a single payment only for that year based solely on the
3 most recent reorganization.

4 (2) For an elementary opt-in, as defined in subsection (d)
5 of Section 11E-30 of this Code, the full-time certified staff
6 incentive shall be computed in accordance with paragraph (1) of
7 this subsection (d), equal to the sum of \$4,000 for each
8 certified employee of the elementary district that opts-in who
9 is employed by the optional elementary unit district on a
10 full-time basis for the regular term of the school year. The
11 calculation from this paragraph (2) must be paid as follows:

12 (A) If the effective date for the elementary opt-in is
13 one year after the effective date for the optional
14 elementary unit district, 100% of the amount calculated in
15 this paragraph (2) shall be paid to the optional elementary
16 unit district for the number of years calculated in
17 paragraph (1) of this subsection (d) at the optional
18 elementary unit district's original effective date,
19 starting in the second year after the effective date of the
20 elementary opt-in.

21 (B) If the effective date for the elementary opt-in is
22 2 years after the effective date for the optional
23 elementary unit district, 75% of the amount calculated in
24 this paragraph (2) shall be paid to the optional elementary
25 unit district for the number of years calculated in
26 paragraph (1) of this subsection (d) at the optional

1 elementary unit district's original effective date,
2 starting in the second year after the effective date of the
3 elementary opt-in.

4 (C) If the effective date for the elementary opt-in is
5 3 years after the effective date for the optional
6 elementary unit district, 50% of the amount calculated in
7 this paragraph (2) shall be paid to the optional elementary
8 unit district for the number of years calculated in
9 paragraph (1) of this subsection (d) at the optional
10 elementary unit district's original effective date,
11 starting in the second year after the effective date of the
12 elementary opt-in.

13 (D) If the effective date for the elementary opt-in is
14 4 years after the effective date for the optional
15 elementary unit district, 25% of the amount calculated in
16 this paragraph (2) shall be paid to the optional elementary
17 unit district for the number of years calculated in
18 paragraph (1) of this subsection (d) at the optional
19 elementary unit district's original effective date,
20 starting in the second year after the effective date of the
21 elementary opt-in.

22 (E) If the effective date for the elementary opt-in is
23 5 years after the effective date for the optional
24 elementary unit district, the optional elementary unit
25 district is not eligible for any additional incentives due
26 to the elementary opt-in.

1 (2.5) Following the formation of a cooperative high school
2 by 2 or more school districts under Section 10-22.22c of this
3 Code, a supplementary State aid reimbursement shall be paid for
4 3 school years to the cooperative high school equal to the sum
5 of \$4,000 for each certified employee who is employed by the
6 cooperative high school on a full-time basis for the regular
7 term of any such school year. If a cooperative high school
8 results from multiple agreements that would otherwise qualify
9 the cooperative high school for multiple payments under this
10 Section in any year, the cooperative high school shall receive
11 a single payment for that year based solely on the most recent
12 agreement.

13 (2.10) Following the annexation of territory detached from
14 another school district whereby the enrollment of the annexing
15 district increases 90% or more as a result of the annexation, a
16 supplementary State aid reimbursement shall be paid to the
17 annexing district equal to the sum of \$4,000 for each certified
18 employee who is employed by the annexing district on a
19 full-time basis and shall be calculated in accordance with
20 subsection (a) of this Section. To be eligible for
21 supplementary State aid reimbursement under this Section, the
22 intergovernmental agreement to be submitted pursuant to
23 Section 7-14A of this Code must show that certified staff
24 members were transferred from the control of the district
25 losing territory to the control of the district gaining
26 territory in the annexation. The changes to this Section made

1 by Public Act 95-707 are intended to be retroactive and
2 applicable to any annexation taking effect on or after July 1,
3 2004. For annexations that are eligible for payments under this
4 paragraph (2.10) and that are effective on or after July 1,
5 2004, but before January 11, 2008 (the effective date of Public
6 Act 95-707), the first required yearly payment under this
7 paragraph (2.10) shall be paid in the second fiscal year after
8 January 11, 2008 (the effective date of Public Act 95-707). Any
9 subsequent required yearly payments shall be paid in subsequent
10 fiscal years until the payment obligation under this paragraph
11 (2.10) is complete.

12 (2.15) Following the deactivation of a school facility in
13 accordance with Section 10-22.22b of this Code, a supplementary
14 State aid reimbursement shall be paid for the lesser of 3
15 school years or the length of the deactivation agreement,
16 including any renewals of the original deactivation agreement,
17 to each receiving school district equal to the sum of \$4,000
18 for each certified employee who is employed by that receiving
19 district on a full-time basis for the regular term of any such
20 school year who was originally transferred to the control of
21 that receiving district as a result of the deactivation.
22 Receiving districts are eligible for payments under this
23 paragraph (2.15) based on the certified employees transferred
24 to that receiving district as a result of the deactivation and
25 are not required to receive at least 30% of the deactivating
26 district's average daily attendance as required under

1 paragraph (1) of this subsection (d) to be eligible for
2 payments.

3 (3) The supplementary State aid reimbursement payable
4 under this subsection (d) shall be separate from and in
5 addition to all other payments made to the district pursuant to
6 any other Section of this Article.

7 (4) During May of each school year for which a
8 supplementary State aid reimbursement is to be paid to a new,
9 annexing, or receiving school district or cooperative high
10 school pursuant to this subsection (d), the school board or
11 governing board shall certify to the State Board of Education,
12 on forms furnished to the school board or governing board by
13 the State Board of Education for purposes of this subsection
14 (d), the number of certified employees for which the district
15 or cooperative high school is entitled to reimbursement under
16 this Section, together with the names, certificate numbers, and
17 positions held by the certified employees.

18 (5) Upon certification by the State Board of Education to
19 the State Comptroller of the amount of the supplementary State
20 aid reimbursement to which a school district or cooperative
21 high school is entitled under this subsection (d), the State
22 Comptroller shall draw his or her warrant upon the State
23 Treasurer for the payment thereof to the school district or
24 cooperative high school and shall promptly transmit the payment
25 to the school district or cooperative high school through the
26 appropriate school treasurer.

1 (Source: P.A. 95-331, eff. 8-21-07; 95-707, eff. 1-11-08;
2 95-903, eff. 8-25-08; 96-328, eff. 8-11-09.)

3 (105 ILCS 5/13A-8)

4 Sec. 13A-8. Funding.

5 (a) The State of Illinois shall provide funding for the
6 alternative school programs within each educational service
7 region and within the Chicago public school system by line item
8 appropriation made to the State Board of Education for that
9 purpose. This money, when appropriated, shall be provided to
10 the regional superintendent and to the Chicago Board of
11 Education, who shall establish a budget, including salaries,
12 for their alternative school programs. Each program shall
13 receive funding in the amount of \$30,000 plus an amount based
14 on the ratio of the region's or Chicago's best 3 months'
15 average daily attendance in grades pre-kindergarten through 12
16 to the statewide totals of these amounts. For purposes of this
17 calculation, the best 3 months' average daily attendance for
18 each region or Chicago shall be calculated by adding to the
19 best 3 months' average daily attendance the number of
20 low-income students identified in the most recently available
21 federal census multiplied by one-half times the percentage of
22 the region's or Chicago's low-income students to the State's
23 total low-income students. The State Board of Education shall
24 retain up to 1.1% of the appropriation to be used to provide
25 technical assistance, professional development, and

1 evaluations for the programs.

2 (a-5) Notwithstanding any other provisions of this
3 Section, for the 1998-1999 fiscal year, the total amount
4 distributed under subsection (a) for an alternative school
5 program shall be not less than the total amount that was
6 distributed under that subsection for that alternative school
7 program for the 1997-1998 fiscal year. If an alternative school
8 program is to receive a total distribution under subsection (a)
9 for the 1998-1999 fiscal year that is less than the total
10 distribution that the program received under that subsection
11 for the 1997-1998 fiscal year, that alternative school program
12 shall also receive, from a separate appropriation made for
13 purposes of this subsection (a-5), a supplementary payment
14 equal to the amount by which its total distribution under
15 subsection (a) for the 1997-1998 fiscal year exceeds the amount
16 of the total distribution that the alternative school program
17 receives under that subsection for the 1998-1999 fiscal year.
18 If the amount appropriated for supplementary payments to
19 alternative school programs under this subsection (a-5) is
20 insufficient for that purpose, those supplementary payments
21 shall be prorated among the alternative school programs
22 entitled to receive those supplementary payments according to
23 the aggregate amount of the appropriation made for purposes of
24 this subsection (a-5).

25 (b) An alternative school program shall be entitled to
26 receive general State aid as calculated in subsection (K) of

1 Section 18-8.05 or evidence-based funding as calculated in
2 subsection (g) of Section 18-8.15 upon filing a claim as
3 provided therein. Any time that a student who is enrolled in an
4 alternative school program spends in work-based learning,
5 community service, or a similar alternative educational
6 setting shall be included in determining the student's minimum
7 number of clock hours of daily school work that constitute a
8 day of attendance for purposes of calculating general State aid
9 or evidence-based funding.

10 (c) An alternative school program may receive additional
11 funding from its school districts in such amount as may be
12 agreed upon by the parties and necessary to support the
13 program. In addition, an alternative school program is
14 authorized to accept and expend gifts, legacies, and grants,
15 including but not limited to federal grants, from any source
16 for purposes directly related to the conduct and operation of
17 the program.

18 (Source: P.A. 89-383, eff. 8-18-95; 89-629, eff. 8-9-96;
19 89-636, eff. 8-9-96; 90-14, eff. 7-1-97; 90-283, eff. 7-31-97;
20 90-802, eff. 12-15-98.)

21 (105 ILCS 5/13B-20.20)

22 Sec. 13B-20.20. Enrollment in other programs. High school
23 equivalency testing preparation programs are not eligible for
24 funding under this Article. A student may enroll in a program
25 approved under Section 18-8.05 or 18-8.15 of this Code, as

1 appropriate, or attend both the alternative learning
2 opportunities program and the regular school program to enhance
3 student performance and facilitate on-time graduation.

4 (Source: P.A. 98-718, eff. 1-1-15.)

5 (105 ILCS 5/13B-45)

6 Sec. 13B-45. Days and hours of attendance. An alternative
7 learning opportunities program shall provide students with at
8 least the minimum number of days of pupil attendance required
9 under Section 10-19 of this Code and the minimum number of
10 daily hours of school work required under Section 18-8.05 or
11 18-8.15 of this Code, provided that the State Board may approve
12 exceptions to these requirements if the program meets all of
13 the following conditions:

14 (1) The district plan submitted under Section
15 13B-25.15 of this Code establishes that a program providing
16 the required minimum number of days of attendance or daily
17 hours of school work would not serve the needs of the
18 program's students.

19 (2) Each day of attendance shall provide no fewer than
20 3 clock hours of school work, as defined under paragraph
21 (1) of subsection (F) of Section 18-8.05 of this Code.

22 (3) Each day of attendance that provides fewer than 5
23 clock hours of school work shall also provide supplementary
24 services, including without limitation work-based
25 learning, student assistance programs, counseling, case

1 management, health and fitness programs, or life-skills or
2 conflict resolution training, in order to provide a total
3 daily program to the student of 5 clock hours. A program
4 may claim general State aid or evidence-based funding for
5 up to 2 hours of the time each day that a student is
6 receiving supplementary services.

7 (4) Each program shall provide no fewer than 174 days
8 of actual pupil attendance during the school term; however,
9 approved evening programs that meet the requirements of
10 Section 13B-45 of this Code may offer less than 174 days of
11 actual pupil attendance during the school term.

12 (Source: P.A. 92-42, eff. 1-1-02.)

13 (105 ILCS 5/13B-50)

14 Sec. 13B-50. Eligibility to receive general State aid or
15 evidence-based funding. In order to receive general State aid
16 or evidence-based funding, alternative learning opportunities
17 programs must meet the requirements for claiming general State
18 aid as specified in Section 18-8.05 of this Code or
19 evidence-based funding as specified in Section 18-8.15 of this
20 Code, as applicable, with the exception of the length of the
21 instructional day, which may be less than 5 hours of school
22 work if the program meets the criteria set forth under Sections
23 13B-50.5 and 13B-50.10 of this Code and if the program is
24 approved by the State Board.

25 (Source: P.A. 92-42, eff. 1-1-02.)

1 (105 ILCS 5/13B-50.10)

2 Sec. 13B-50.10. Additional criteria for general State aid
3 or evidence-based funding. In order to claim general State aid
4 or evidence-based funding, an alternative learning
5 opportunities program must meet the following criteria:

6 (1) Teacher professional development plans should include
7 education in the instruction of at-risk students.

8 (2) Facilities must meet the health, life, and safety
9 requirements in this Code.

10 (3) The program must comply with all other State and
11 federal laws applicable to education providers.

12 (Source: P.A. 92-42, eff. 1-1-02.)

13 (105 ILCS 5/13B-50.15)

14 Sec. 13B-50.15. Level of funding. Approved alternative
15 learning opportunities programs are entitled to claim general
16 State aid or evidence-based funding, subject to Sections
17 13B-50, 13B-50.5, and 13B-50.10 of this Code. Approved programs
18 operated by regional offices of education are entitled to
19 receive general State aid at the foundation level of support. A
20 school district or consortium must ensure that an approved
21 program receives supplemental general State aid,
22 transportation reimbursements, and special education
23 resources, if appropriate, for students enrolled in the
24 program.

1 (Source: P.A. 92-42, eff. 1-1-02.)

2 (105 ILCS 5/14-7.02) (from Ch. 122, par. 14-7.02)

3 Sec. 14-7.02. Children attending private schools, public
4 out-of-state schools, public school residential facilities or
5 private special education facilities. The General Assembly
6 recognizes that non-public schools or special education
7 facilities provide an important service in the educational
8 system in Illinois.

9 If because of his or her disability the special education
10 program of a district is unable to meet the needs of a child
11 and the child attends a non-public school or special education
12 facility, a public out-of-state school or a special education
13 facility owned and operated by a county government unit that
14 provides special educational services required by the child and
15 is in compliance with the appropriate rules and regulations of
16 the State Superintendent of Education, the school district in
17 which the child is a resident shall pay the actual cost of
18 tuition for special education and related services provided
19 during the regular school term and during the summer school
20 term if the child's educational needs so require, excluding
21 room, board and transportation costs charged the child by that
22 non-public school or special education facility, public
23 out-of-state school or county special education facility, or
24 \$4,500 per year, whichever is less, and shall provide him any
25 necessary transportation. "Nonpublic special education

1 facility" shall include a residential facility, within or
2 without the State of Illinois, which provides special education
3 and related services to meet the needs of the child by
4 utilizing private schools or public schools, whether located on
5 the site or off the site of the residential facility.

6 The State Board of Education shall promulgate rules and
7 regulations for determining when placement in a private special
8 education facility is appropriate. Such rules and regulations
9 shall take into account the various types of services needed by
10 a child and the availability of such services to the particular
11 child in the public school. In developing these rules and
12 regulations the State Board of Education shall consult with the
13 Advisory Council on Education of Children with Disabilities and
14 hold public hearings to secure recommendations from parents,
15 school personnel, and others concerned about this matter.

16 The State Board of Education shall also promulgate rules
17 and regulations for transportation to and from a residential
18 school. Transportation to and from home to a residential school
19 more than once each school term shall be subject to prior
20 approval by the State Superintendent in accordance with the
21 rules and regulations of the State Board.

22 A school district making tuition payments pursuant to this
23 Section is eligible for reimbursement from the State for the
24 amount of such payments actually made in excess of the district
25 per capita tuition charge for students not receiving special
26 education services. Such reimbursement shall be approved in

1 accordance with Section 14-12.01 and each district shall file
2 its claims, computed in accordance with rules prescribed by the
3 State Board of Education, on forms prescribed by the State
4 Superintendent of Education. Data used as a basis of
5 reimbursement claims shall be for the preceding regular school
6 term and summer school term. Each school district shall
7 transmit its claims to the State Board of Education on or
8 before August 15. The State Board of Education, before
9 approving any such claims, shall determine their accuracy and
10 whether they are based upon services and facilities provided
11 under approved programs. Upon approval the State Board shall
12 cause vouchers to be prepared showing the amount due for
13 payment of reimbursement claims to school districts, for
14 transmittal to the State Comptroller on the 30th day of
15 September, December, and March, respectively, and the final
16 voucher, no later than June 20. If the money appropriated by
17 the General Assembly for such purpose for any year is
18 insufficient, it shall be apportioned on the basis of the
19 claims approved.

20 No child shall be placed in a special education program
21 pursuant to this Section if the tuition cost for special
22 education and related services increases more than 10 percent
23 over the tuition cost for the previous school year or exceeds
24 \$4,500 per year unless such costs have been approved by the
25 Illinois Purchased Care Review Board. The Illinois Purchased
26 Care Review Board shall consist of the following persons, or

1 their designees: the Directors of Children and Family Services,
2 Public Health, Public Aid, and the Governor's Office of
3 Management and Budget; the Secretary of Human Services; the
4 State Superintendent of Education; and such other persons as
5 the Governor may designate. The Review Board shall also consist
6 of one non-voting member who is an administrator of a private,
7 nonpublic, special education school. The Review Board shall
8 establish rules and regulations for its determination of
9 allowable costs and payments made by local school districts for
10 special education, room and board, and other related services
11 provided by non-public schools or special education facilities
12 and shall establish uniform standards and criteria which it
13 shall follow. The Review Board shall approve the usual and
14 customary rate or rates of a special education program that (i)
15 is offered by an out-of-state, non-public provider of
16 integrated autism specific educational and autism specific
17 residential services, (ii) offers 2 or more levels of
18 residential care, including at least one locked facility, and
19 (iii) serves 12 or fewer Illinois students.

20 The Review Board shall establish uniform definitions and
21 criteria for accounting separately by special education, room
22 and board and other related services costs. The Board shall
23 also establish guidelines for the coordination of services and
24 financial assistance provided by all State agencies to assure
25 that no otherwise qualified child with a disability receiving
26 services under Article 14 shall be excluded from participation

1 in, be denied the benefits of or be subjected to discrimination
2 under any program or activity provided by any State agency.

3 The Review Board shall review the costs for special
4 education and related services provided by non-public schools
5 or special education facilities and shall approve or disapprove
6 such facilities in accordance with the rules and regulations
7 established by it with respect to allowable costs.

8 The State Board of Education shall provide administrative
9 and staff support for the Review Board as deemed reasonable by
10 the State Superintendent of Education. This support shall not
11 include travel expenses or other compensation for any Review
12 Board member other than the State Superintendent of Education.

13 The Review Board shall seek the advice of the Advisory
14 Council on Education of Children with Disabilities on the rules
15 and regulations to be promulgated by it relative to providing
16 special education services.

17 If a child has been placed in a program in which the actual
18 per pupil costs of tuition for special education and related
19 services based on program enrollment, excluding room, board and
20 transportation costs, exceed \$4,500 and such costs have been
21 approved by the Review Board, the district shall pay such total
22 costs which exceed \$4,500. A district making such tuition
23 payments in excess of \$4,500 pursuant to this Section shall be
24 responsible for an amount in excess of \$4,500 equal to the
25 district per capita tuition charge and shall be eligible for
26 reimbursement from the State for the amount of such payments

1 actually made in excess of the districts per capita tuition
2 charge for students not receiving special education services.

3 If a child has been placed in an approved individual
4 program and the tuition costs including room and board costs
5 have been approved by the Review Board, then such room and
6 board costs shall be paid by the appropriate State agency
7 subject to the provisions of Section 14-8.01 of this Act. Room
8 and board costs not provided by a State agency other than the
9 State Board of Education shall be provided by the State Board
10 of Education on a current basis. In no event, however, shall
11 the State's liability for funding of these tuition costs begin
12 until after the legal obligations of third party payors have
13 been subtracted from such costs. If the money appropriated by
14 the General Assembly for such purpose for any year is
15 insufficient, it shall be apportioned on the basis of the
16 claims approved. Each district shall submit estimated claims to
17 the State Superintendent of Education. Upon approval of such
18 claims, the State Superintendent of Education shall direct the
19 State Comptroller to make payments on a monthly basis. The
20 frequency for submitting estimated claims and the method of
21 determining payment shall be prescribed in rules and
22 regulations adopted by the State Board of Education. Such
23 current state reimbursement shall be reduced by an amount equal
24 to the proceeds which the child or child's parents are eligible
25 to receive under any public or private insurance or assistance
26 program. Nothing in this Section shall be construed as

1 relieving an insurer or similar third party from an otherwise
2 valid obligation to provide or to pay for services provided to
3 a child with a disability.

4 If it otherwise qualifies, a school district is eligible
5 for the transportation reimbursement under Section 14-13.01
6 and for the reimbursement of tuition payments under this
7 Section whether the non-public school or special education
8 facility, public out-of-state school or county special
9 education facility, attended by a child who resides in that
10 district and requires special educational services, is within
11 or outside of the State of Illinois. However, a district is not
12 eligible to claim transportation reimbursement under this
13 Section unless the district certifies to the State
14 Superintendent of Education that the district is unable to
15 provide special educational services required by the child for
16 the current school year.

17 Nothing in this Section authorizes the reimbursement of a
18 school district for the amount paid for tuition of a child
19 attending a non-public school or special education facility,
20 public out-of-state school or county special education
21 facility unless the school district certifies to the State
22 Superintendent of Education that the special education program
23 of that district is unable to meet the needs of that child
24 because of his disability and the State Superintendent of
25 Education finds that the school district is in substantial
26 compliance with Section 14-4.01. However, if a child is

1 unilaterally placed by a State agency or any court in a
2 non-public school or special education facility, public
3 out-of-state school, or county special education facility, a
4 school district shall not be required to certify to the State
5 Superintendent of Education, for the purpose of tuition
6 reimbursement, that the special education program of that
7 district is unable to meet the needs of a child because of his
8 or her disability.

9 Any educational or related services provided, pursuant to
10 this Section in a non-public school or special education
11 facility or a special education facility owned and operated by
12 a county government unit shall be at no cost to the parent or
13 guardian of the child. However, current law and practices
14 relative to contributions by parents or guardians for costs
15 other than educational or related services are not affected by
16 this amendatory Act of 1978.

17 Reimbursement for children attending public school
18 residential facilities shall be made in accordance with the
19 provisions of this Section.

20 Notwithstanding any other provision of law, any school
21 district receiving a payment under this Section or under
22 Section 14-7.02b, 14-13.01, or 29-5 of this Code may classify
23 all or a portion of the funds that it receives in a particular
24 fiscal year or from general State aid pursuant to Section
25 18-8.05 of this Code as funds received in connection with any
26 funding program for which it is entitled to receive funds from

1 the State in that fiscal year (including, without limitation,
2 any funding program referenced in this Section), regardless of
3 the source or timing of the receipt. The district may not
4 classify more funds as funds received in connection with the
5 funding program than the district is entitled to receive in
6 that fiscal year for that program. Any classification by a
7 district must be made by a resolution of its board of
8 education. The resolution must identify the amount of any
9 payments or general State aid to be classified under this
10 paragraph and must specify the funding program to which the
11 funds are to be treated as received in connection therewith.
12 This resolution is controlling as to the classification of
13 funds referenced therein. A certified copy of the resolution
14 must be sent to the State Superintendent of Education. The
15 resolution shall still take effect even though a copy of the
16 resolution has not been sent to the State Superintendent of
17 Education in a timely manner. No classification under this
18 paragraph by a district shall affect the total amount or timing
19 of money the district is entitled to receive under this Code.
20 No classification under this paragraph by a district shall in
21 any way relieve the district from or affect any requirements
22 that otherwise would apply with respect to that funding
23 program, including any accounting of funds by source, reporting
24 expenditures by original source and purpose, reporting
25 requirements, or requirements of providing services.

26 Notwithstanding anything to the contrary contained in this

1 Section, the State Board of Education shall award to a school
2 district having a population exceeding 500,000 inhabitants
3 48.4% of the funds appropriated by the General Assembly for any
4 fiscal year for purposes of payments to school districts under
5 this Section.

6 (Source: P.A. 98-636, eff. 6-6-14; 98-1008, eff. 1-1-15; 99-78,
7 eff. 7-20-15; 99-143, eff. 7-27-15.)

8 (105 ILCS 5/14-7.02b)

9 Sec. 14-7.02b. Funding for children requiring special
10 education services. Payments to school districts for children
11 requiring special education services documented in their
12 individualized education program regardless of the program
13 from which these services are received, excluding children
14 claimed under Sections 14-7.02 and 14-7.03 of this Code, shall
15 be made in accordance with this Section. Funds received under
16 this Section may be used only for the provision of special
17 educational facilities and services as defined in Section
18 14-1.08 of this Code.

19 The appropriation for fiscal year 2005 through fiscal year
20 2017 and thereafter shall be based upon the IDEA child count of
21 all students in the State, excluding students claimed under
22 Sections 14-7.02 and 14-7.03 of this Code, on December 1 of the
23 fiscal year 2 years preceding, multiplied by 17.5% of the
24 general State aid foundation level of support established for
25 that fiscal year under Section 18-8.05 of this Code.

1 Beginning with fiscal year 2005 and through fiscal year
2 2007, individual school districts shall not receive payments
3 under this Section totaling less than they received under the
4 funding authorized under Section 14-7.02a of this Code during
5 fiscal year 2004, pursuant to the provisions of Section
6 14-7.02a as they were in effect before the effective date of
7 this amendatory Act of the 93rd General Assembly. This base
8 level funding shall be computed first.

9 Beginning with fiscal year 2008 through fiscal year 2017
10 ~~and each fiscal year thereafter~~, individual school districts
11 must not receive payments under this Section totaling less than
12 they received in fiscal year 2007. This funding shall be
13 computed last and shall be a separate calculation from any
14 other calculation set forth in this Section. This amount is
15 exempt from the requirements of Section 1D-1 of this Code.

16 Through fiscal year 2017, an An amount equal to 85% of the
17 funds remaining in the appropriation shall be allocated to
18 school districts based upon the district's average daily
19 attendance reported for purposes of Section 18-8.05 of this
20 Code for the preceding school year. Fifteen percent of the
21 funds remaining in the appropriation shall be allocated to
22 school districts based upon the district's low income eligible
23 pupil count used in the calculation of general State aid under
24 Section 18-8.05 of this Code for the same fiscal year. One
25 hundred percent of the funds computed and allocated to
26 districts under this Section shall be distributed and paid to

1 school districts.

2 For individual students with disabilities whose program
3 costs exceed 4 times the district's per capita tuition rate as
4 calculated under Section 10-20.12a of this Code, the costs in
5 excess of 4 times the district's per capita tuition rate shall
6 be paid by the State Board of Education from unexpended IDEA
7 discretionary funds originally designated for room and board
8 reimbursement pursuant to Section 14-8.01 of this Code. The
9 amount of tuition for these children shall be determined by the
10 actual cost of maintaining classes for these children, using
11 the per capita cost formula set forth in Section 14-7.01 of
12 this Code, with the program and cost being pre-approved by the
13 State Superintendent of Education. Reimbursement for
14 individual students with disabilities whose program costs
15 exceed 4 times the district's per capita tuition rate shall be
16 claimed beginning with costs encumbered for the 2004-2005
17 school year and thereafter.

18 The State Board of Education shall prepare vouchers equal
19 to one-fourth the amount allocated to districts, for
20 transmittal to the State Comptroller on the 30th day of
21 September, December, and March, respectively, and the final
22 voucher, no later than June 20. The Comptroller shall make
23 payments pursuant to this Section to school districts as soon
24 as possible after receipt of vouchers. If the money
25 appropriated from the General Assembly for such purposes for
26 any year is insufficient, it shall be apportioned on the basis

1 of the payments due to school districts.

2 Nothing in this Section shall be construed to decrease or
3 increase the percentage of all special education funds that are
4 allocated annually under Article 1D of this Code or to alter
5 the requirement that a school district provide special
6 education services.

7 Nothing in this amendatory Act of the 93rd General Assembly
8 shall eliminate any reimbursement obligation owed as of the
9 effective date of this amendatory Act of the 93rd General
10 Assembly to a school district with in excess of 500,000
11 inhabitants.

12 Except for reimbursement for individual students with
13 disabilities whose program costs exceed 4 times the district's
14 per capita tuition rate, no funding shall be provided to school
15 districts under this Section after fiscal year 2017.

16 (Source: P.A. 93-1022, eff. 8-24-08; 95-705, eff. 1-8-08.)

17 (105 ILCS 5/14-7.03) (from Ch. 122, par. 14-7.03)

18 Sec. 14-7.03. Special Education Classes for Children from
19 Orphanages, Foster Family Homes, Children's Homes, or in State
20 Housing Units. If a school district maintains special education
21 classes on the site of orphanages and children's homes, or if
22 children from the orphanages, children's homes, foster family
23 homes, other State agencies, or State residential units for
24 children attend classes for children with disabilities in which
25 the school district is a participating member of a joint

1 agreement, or if the children from the orphanages, children's
2 homes, foster family homes, other State agencies, or State
3 residential units attend classes for the children with
4 disabilities maintained by the school district, then
5 reimbursement shall be paid to eligible districts in accordance
6 with the provisions of this Section by the Comptroller as
7 directed by the State Superintendent of Education.

8 The amount of tuition for such children shall be determined
9 by the actual cost of maintaining such classes, using the per
10 capita cost formula set forth in Section 14-7.01, such program
11 and cost to be pre-approved by the State Superintendent of
12 Education.

13 If a school district makes a claim for reimbursement under
14 Section 18-3 or 18-4 of this Act it shall not include in any
15 claim filed under this Section a claim for such children.
16 Payments authorized by law, including State or federal grants
17 for education of children included in this Section, shall be
18 deducted in determining the tuition amount.

19 Nothing in this Act shall be construed so as to prohibit
20 reimbursement for the tuition of children placed in for profit
21 facilities. Private facilities shall provide adequate space at
22 the facility for special education classes provided by a school
23 district or joint agreement for children with disabilities who
24 are residents of the facility at no cost to the school district
25 or joint agreement upon request of the school district or joint
26 agreement. If such a private facility provides space at no cost

1 to the district or joint agreement for special education
2 classes provided to children with disabilities who are
3 residents of the facility, the district or joint agreement
4 shall not include any costs for the use of those facilities in
5 its claim for reimbursement.

6 Reimbursement for tuition may include the cost of providing
7 summer school programs for children with severe and profound
8 disabilities served under this Section. Claims for that
9 reimbursement shall be filed by November 1 and shall be paid on
10 or before December 15 from appropriations made for the purposes
11 of this Section.

12 The State Board of Education shall establish such rules and
13 regulations as may be necessary to implement the provisions of
14 this Section.

15 Claims filed on behalf of programs operated under this
16 Section housed in a jail, detention center, or county-owned
17 shelter care facility shall be on an individual student basis
18 only for eligible students with disabilities. These claims
19 shall be in accordance with applicable rules.

20 Each district claiming reimbursement for a program
21 operated as a group program shall have an approved budget on
22 file with the State Board of Education prior to the initiation
23 of the program's operation. On September 30, December 31, and
24 March 31, the State Board of Education shall voucher payments
25 to group programs based upon the approved budget during the
26 year of operation. Final claims for group payments shall be

1 filed on or before July 15. Final claims for group programs
2 received at the State Board of Education on or before June 15
3 shall be vouchered by June 30. Final claims received at the
4 State Board of Education between June 16 and July 15 shall be
5 vouchered by August 30. Claims for group programs received
6 after July 15 shall not be honored.

7 Each district claiming reimbursement for individual
8 students shall have the eligibility of those students verified
9 by the State Board of Education. On September 30, December 31,
10 and March 31, the State Board of Education shall voucher
11 payments for individual students based upon an estimated cost
12 calculated from the prior year's claim. Final claims for
13 individual students for the regular school term must be
14 received at the State Board of Education by July 15. Claims for
15 individual students received after July 15 shall not be
16 honored. Final claims for individual students shall be
17 vouchered by August 30.

18 Reimbursement shall be made based upon approved group
19 programs or individual students. The State Superintendent of
20 Education shall direct the Comptroller to pay a specified
21 amount to the district by the 30th day of September, December,
22 March, June, or August, respectively. However, notwithstanding
23 any other provisions of this Section or the School Code,
24 beginning with fiscal year 1994 and each fiscal year
25 thereafter, if the amount appropriated for any fiscal year is
26 less than the amount required for purposes of this Section, the

1 amount required to eliminate any insufficient reimbursement
2 for each district claim under this Section shall be reimbursed
3 on August 30 of the next fiscal year. Payments required to
4 eliminate any insufficiency for prior fiscal year claims shall
5 be made before any claims are paid for the current fiscal year.

6 The claim of a school district otherwise eligible to be
7 reimbursed in accordance with Section 14-12.01 for the 1976-77
8 school year but for this amendatory Act of 1977 shall not be
9 paid unless the district ceases to maintain such classes for
10 one entire school year.

11 If a school district's current reimbursement payment for
12 the 1977-78 school year only is less than the prior year's
13 reimbursement payment owed, the district shall be paid the
14 amount of the difference between the payments in addition to
15 the current reimbursement payment, and the amount so paid shall
16 be subtracted from the amount of prior year's reimbursement
17 payment owed to the district.

18 Regional superintendents may operate special education
19 classes for children from orphanages, foster family homes,
20 children's homes or State housing units located within the
21 educational services region upon consent of the school board
22 otherwise so obligated. In electing to assume the powers and
23 duties of a school district in providing and maintaining such a
24 special education program, the regional superintendent may
25 enter into joint agreements with other districts and may
26 contract with public or private schools or the orphanage,

1 foster family home, children's home or State housing unit for
2 provision of the special education program. The regional
3 superintendent exercising the powers granted under this
4 Section shall claim the reimbursement authorized by this
5 Section directly from the State Board of Education.

6 Any child who is not a resident of Illinois who is placed
7 in a child welfare institution, private facility, foster family
8 home, State operated program, orphanage or children's home
9 shall have the payment for his educational tuition and any
10 related services assured by the placing agent.

11 For each student with a disability who is placed in a
12 residential facility by an Illinois public agency or by any
13 court in this State, the costs for educating the student are
14 eligible for reimbursement under this Section.

15 The district of residence of the student with a disability
16 as defined in Section 14-1.11a is responsible for the actual
17 costs of the student's special education program and is
18 eligible for reimbursement under this Section when placement is
19 made by a State agency or the courts.

20 When a dispute arises over the determination of the
21 district of residence under this Section, the district or
22 districts may appeal the decision in writing to the State
23 Superintendent of Education, who, upon review of materials
24 submitted and any other items or information he or she may
25 request for submission, shall issue a written decision on the
26 matter. The decision of the State Superintendent of Education

1 shall be final.

2 In the event a district does not make a tuition payment to
3 another district that is providing the special education
4 program and services, the State Board of Education shall
5 immediately withhold 125% of the then remaining annual tuition
6 cost from the State aid or categorical aid payment due to the
7 school district that is determined to be the resident school
8 district. All funds withheld by the State Board of Education
9 shall immediately be forwarded to the school district where the
10 student is being served.

11 When a child eligible for services under this Section
12 14-7.03 must be placed in a nonpublic facility, that facility
13 shall meet the programmatic requirements of Section 14-7.02 and
14 its regulations, and the educational services shall be funded
15 only in accordance with this Section 14-7.03.

16 Notwithstanding anything to the contrary contained in this
17 Section, the State Board of Education shall award to a school
18 district having a population exceeding 500,000 inhabitants
19 35.8% of the funds appropriated by the General Assembly for any
20 fiscal year for purposes of payment of claims of special
21 education orphanage tuition under this Section.

22 (Source: P.A. 98-739, eff. 7-16-14; 99-143, eff. 7-27-15.)

23 (105 ILCS 5/14-13.01) (from Ch. 122, par. 14-13.01)

24 Sec. 14-13.01. Reimbursement payable by State; amounts for
25 personnel and transportation.

1 (a) Through fiscal year 2017, for ~~For~~ staff working on
2 behalf of children who have not been identified as eligible for
3 special education and for eligible children with physical
4 disabilities, including all eligible children whose placement
5 has been determined under Section 14-8.02 in hospital or home
6 instruction, 1/2 of the teacher's salary but not more than
7 \$1,000 annually per child or \$9,000 per teacher, whichever is
8 less.

9 (a-5) A child qualifies for home or hospital instruction if
10 it is anticipated that, due to a medical condition, the child
11 will be unable to attend school, and instead must be instructed
12 at home or in the hospital, for a period of 2 or more
13 consecutive weeks or on an ongoing intermittent basis. For
14 purposes of this Section, "ongoing intermittent basis" means
15 that the child's medical condition is of such a nature or
16 severity that it is anticipated that the child will be absent
17 from school due to the medical condition for periods of at
18 least 2 days at a time multiple times during the school year
19 totaling at least 10 days or more of absences. There shall be
20 no requirement that a child be absent from school a minimum
21 number of days before the child qualifies for home or hospital
22 instruction. In order to establish eligibility for home or
23 hospital services, a student's parent or guardian must submit
24 to the child's school district of residence a written statement
25 from a physician licensed to practice medicine in all of its
26 branches stating the existence of such medical condition, the

1 impact on the child's ability to participate in education, and
2 the anticipated duration or nature of the child's absence from
3 school. Home or hospital instruction may commence upon receipt
4 of a written physician's statement in accordance with this
5 Section, but instruction shall commence not later than 5 school
6 days after the school district receives the physician's
7 statement. Special education and related services required by
8 the child's IEP or services and accommodations required by the
9 child's federal Section 504 plan must be implemented as part of
10 the child's home or hospital instruction, unless the IEP team
11 or federal Section 504 plan team determines that modifications
12 are necessary during the home or hospital instruction due to
13 the child's condition.

14 (a-10) Through fiscal year 2017, eligible ~~Eligible~~
15 children to be included in any reimbursement under this
16 paragraph must regularly receive a minimum of one hour of
17 instruction each school day, or in lieu thereof of a minimum of
18 5 hours of instruction in each school week in order to qualify
19 for full reimbursement under this Section. If the attending
20 physician for such a child has certified that the child should
21 not receive as many as 5 hours of instruction in a school week,
22 however, reimbursement under this paragraph on account of that
23 child shall be computed proportionate to the actual hours of
24 instruction per week for that child divided by 5.

25 (a-15) The State Board of Education shall establish rules
26 governing the required qualifications of staff providing home

1 or hospital instruction.

2 (b) For children described in Section 14-1.02, 80% of the
3 cost of transportation approved as a related service in the
4 Individualized Education Program for each student in order to
5 take advantage of special educational facilities.
6 Transportation costs shall be determined in the same fashion as
7 provided in Section 29-5 of this Code, provided that,
8 notwithstanding anything to the contrary contained in this
9 subsection (b) or Section 29-5 of this Code, the State Board of
10 Education shall award to a school district having a population
11 exceeding 500,000 inhabitants 30.7% of the funds appropriated
12 by the General Assembly for any fiscal year for purposes of
13 payment of transportation cost claims under this subsection
14 (b). For purposes of this subsection (b), the dates for
15 processing claims specified in Section 29-5 shall apply.

16 (c) Through fiscal year 2017, for ~~For~~ each qualified
17 worker, the annual sum of \$9,000.

18 (d) Through fiscal year 2017, for ~~For~~ one full time
19 qualified director of the special education program of each
20 school district which maintains a fully approved program of
21 special education the annual sum of \$9,000. Districts
22 participating in a joint agreement special education program
23 shall not receive such reimbursement if reimbursement is made
24 for a director of the joint agreement program.

25 (e) (Blank).

26 (f) (Blank).

1 (g) Through fiscal year 2017, for ~~For~~ readers, working with
2 blind or partially seeing children 1/2 of their salary but not
3 more than \$400 annually per child. Readers may be employed to
4 assist such children and shall not be required to be certified
5 but prior to employment shall meet standards set up by the
6 State Board of Education.

7 (h) Through fiscal year 2017, for ~~For~~ non-certified
8 employees, as defined by rules promulgated by the State Board
9 of Education, who deliver services to students with IEPs, 1/2
10 of the salary paid or \$3,500 per employee, whichever is less.

11 (i) The State Board of Education shall set standards and
12 prescribe rules for determining the allocation of
13 reimbursement under this section on less than a full time basis
14 and for less than a school year.

15 When any school district eligible for reimbursement under
16 this Section operates a school or program approved by the State
17 Superintendent of Education for a number of days in excess of
18 the adopted school calendar but not to exceed 235 school days,
19 such reimbursement shall be increased by 1/180 of the amount or
20 rate paid hereunder for each day such school is operated in
21 excess of 180 days per calendar year.

22 Notwithstanding any other provision of law, any school
23 district receiving a payment under this Section or under
24 Section 14-7.02, 14-7.02b, or 29-5 of this Code may classify
25 all or a portion of the funds that it receives in a particular
26 fiscal year or from evidence-based funding ~~general State aid~~

1 pursuant to Section 18-8.15 ~~18-8.05~~ of this Code as funds
2 received in connection with any funding program for which it is
3 entitled to receive funds from the State in that fiscal year
4 (including, without limitation, any funding program referenced
5 in this Section), regardless of the source or timing of the
6 receipt. The district may not classify more funds as funds
7 received in connection with the funding program than the
8 district is entitled to receive in that fiscal year for that
9 program. Any classification by a district must be made by a
10 resolution of its board of education. The resolution must
11 identify the amount of any payments or evidence-based funding
12 ~~general State aid~~ to be classified under this paragraph and
13 must specify the funding program to which the funds are to be
14 treated as received in connection therewith. This resolution is
15 controlling as to the classification of funds referenced
16 therein. A certified copy of the resolution must be sent to the
17 State Superintendent of Education. The resolution shall still
18 take effect even though a copy of the resolution has not been
19 sent to the State Superintendent of Education in a timely
20 manner. No classification under this paragraph by a district
21 shall affect the total amount or timing of money the district
22 is entitled to receive under this Code. No classification under
23 this paragraph by a district shall in any way relieve the
24 district from or affect any requirements that otherwise would
25 apply with respect to that funding program, including any
26 accounting of funds by source, reporting expenditures by

1 original source and purpose, reporting requirements, or
2 requirements of providing services.

3 (Source: P.A. 96-257, eff. 8-11-09; 97-123, eff. 7-14-11.)

4 (105 ILCS 5/14C-1) (from Ch. 122, par. 14C-1)

5 Sec. 14C-1. The General Assembly finds that there are large
6 numbers of children in this State who come from environments
7 where the primary language is other than English. Experience
8 has shown that public school classes in which instruction is
9 given only in English are often inadequate for the education of
10 children whose native tongue is another language. The General
11 Assembly believes that a program of transitional bilingual
12 education can meet the needs of these children and facilitate
13 their integration into the regular public school curriculum.
14 Therefore, pursuant to the policy of this State to ensure equal
15 educational opportunity to every child, and in recognition of
16 the educational needs of English learners, it is the purpose of
17 this Act to provide for the establishment of transitional
18 bilingual education programs in the public schools, to provide
19 supplemental financial assistance through fiscal year 2017 to
20 help local school districts meet the extra costs of such
21 programs, and to allow this State through the State Board of
22 Education to directly or indirectly provide technical
23 assistance and professional development to support
24 transitional bilingual education or a transitional program of
25 instruction ~~programs~~ statewide through contractual services by

1 a not-for-profit entity for technical assistance, professional
2 development, and other support to school districts and
3 educators for services for English learner pupils. In no case
4 may aggregate funding for contractual services by a
5 not-for-profit entity for support to school districts and
6 educators for services for English learner pupils be less than
7 the aggregate amount expended for such purposes in Fiscal Year
8 2017. Not-for-profit entities providing support to school
9 districts and educators for services for English learner pupils
10 must have experience providing those services in a school
11 district having a population exceeding 500,000; one or more
12 school districts in any of the counties of Lake, McHenry,
13 DuPage, Kane, and Will; and one or more school districts
14 elsewhere in this State. Funding for not-for-profit entities
15 providing support to school districts and educators for
16 services for English learner pupils may be increased subject to
17 an agreement with the State Board of Education. Funding for
18 not-for-profit entities providing support to school districts
19 and educators for services for English learner pupils shall
20 come from funds allocated pursuant to Section 18-8.15 of this
21 Code.

22 (Source: P.A. 99-30, eff. 7-10-15.)

23 (105 ILCS 5/14C-12) (from Ch. 122, par. 14C-12)

24 Sec. 14C-12. Account of expenditures; Cost report;
25 Reimbursement. Each school district with at least one English

1 learner shall keep an accurate, detailed and separate account
2 of all monies paid out by it for the programs in transitional
3 bilingual education required or permitted by this Article,
4 including transportation costs, and shall annually report
5 thereon for the school year ending June 30 indicating the
6 average per pupil expenditure. Through fiscal year 2017, each
7 ~~Each~~ school district shall be reimbursed for the amount by
8 which such costs exceed the average per pupil expenditure by
9 such school district for the education of children of
10 comparable age who are not in any special education program. No
11 funding shall be provided to school districts under this
12 Section after fiscal year 2017. In fiscal year 2018 and each
13 fiscal year thereafter, all funding received by a school
14 district from the State pursuant to Section 18-8.15 of this
15 Code that is attributable to instructions, supports, and
16 interventions for English learner pupils must be used for
17 programs and services authorized under this Article. At least
18 60% of transitional bilingual education funding received from
19 the State must be used for the instructional costs of programs
20 and services authorized under this Article ~~transitional~~
21 ~~bilingual education.~~

22 Applications for preapproval ~~for reimbursement~~ for costs
23 of transitional bilingual education programs must be submitted
24 to the State Superintendent of Education at least 60 days
25 before a transitional bilingual education program is started,
26 unless a justifiable exception is granted by the State

1 Superintendent of Education. Applications shall set forth a
2 plan for transitional bilingual education established and
3 maintained in accordance with this Article.

4 Through fiscal year 2017, reimbursement ~~Reimbursement~~
5 claims for transitional bilingual education programs shall be
6 made as follows:

7 Each school district shall claim reimbursement on a current
8 basis for the first 3 quarters of the fiscal year and file a
9 final adjusted claim for the school year ended June 30
10 preceding computed in accordance with rules prescribed by the
11 State Superintendent's Office. The State Superintendent of
12 Education before approving any such claims shall determine
13 their accuracy and whether they are based upon services and
14 facilities provided under approved programs. Upon approval he
15 shall transmit to the Comptroller the vouchers showing the
16 amounts due for school district reimbursement claims. Upon
17 receipt of the final adjusted claims the State Superintendent
18 of Education shall make a final determination of the accuracy
19 of such claims. If the money appropriated by the General
20 Assembly for such purpose for any year is insufficient, it
21 shall be apportioned on the basis of the claims approved.

22 Failure on the part of the school district to prepare and
23 certify the final adjusted claims due under this Section may
24 constitute a forfeiture by the school district of its right to
25 be reimbursed by the State under this Section.

26 (Source: P.A. 96-1170, eff. 1-1-11.)

1 (105 ILCS 5/17-1) (from Ch. 122, par. 17-1)

2 Sec. 17-1. Annual Budget. The board of education of each
3 school district under 500,000 inhabitants shall, within or
4 before the first quarter of each fiscal year, adopt and file
5 with the State Board of Education an annual balanced budget
6 which it deems necessary to defray all necessary expenses and
7 liabilities of the district, and in such annual budget shall
8 specify the objects and purposes of each item and amount needed
9 for each object or purpose.

10 The budget shall be entered upon a School District Budget
11 form prepared and provided by the State Board of Education and
12 therein shall contain a statement of the cash on hand at the
13 beginning of the fiscal year, an estimate of the cash expected
14 to be received during such fiscal year from all sources, an
15 estimate of the expenditures contemplated for such fiscal year,
16 and a statement of the estimated cash expected to be on hand at
17 the end of such year. The estimate of taxes to be received may
18 be based upon the amount of actual cash receipts that may
19 reasonably be expected by the district during such fiscal year,
20 estimated from the experience of the district in prior years
21 and with due regard for other circumstances that may
22 substantially affect such receipts. Nothing in this Section
23 shall be construed as requiring any district to change or
24 preventing any district from changing from a cash basis of
25 financing to a surplus or deficit basis of financing; or as

1 requiring any district to change or preventing any district
2 from changing its system of accounting. The budget shall
3 conform to the requirements adopted by the State Board of
4 Education pursuant to Section 2-3.28 of this Code.

5 To the extent that a school district's budget is not
6 balanced, the district shall also adopt and file with the State
7 Board of Education a deficit reduction plan to balance the
8 district's budget within 3 years. The deficit reduction plan
9 must be filed at the same time as the budget, but the State
10 Superintendent of Education may extend this deadline if the
11 situation warrants.

12 If, as the result of an audit performed in compliance with
13 Section 3-7 of this Code, the resulting Annual Financial Report
14 required to be submitted pursuant to Section 3-15.1 of this
15 Code reflects a deficit as defined for purposes of the
16 preceding paragraph, then the district shall, within 30 days
17 after acceptance of such audit report, submit a deficit
18 reduction plan.

19 The board of education of each district shall fix a fiscal
20 year therefor. If the beginning of the fiscal year of a
21 district is subsequent to the time that the tax levy due to be
22 made in such fiscal year shall be made, then such annual budget
23 shall be adopted prior to the time such tax levy shall be made.
24 The failure by a board of education of any district to adopt an
25 annual budget, or to comply in any respect with the provisions
26 of this Section, shall not affect the validity of any tax levy

1 of the district otherwise in conformity with the law. With
2 respect to taxes levied either before, on, or after the
3 effective date of this amendatory Act of the 91st General
4 Assembly, (i) a tax levy is made for the fiscal year in which
5 the levy is due to be made regardless of which fiscal year the
6 proceeds of the levy are expended or are intended to be
7 expended, and (ii) except as otherwise provided by law, a board
8 of education's adoption of an annual budget in conformity with
9 this Section is not a prerequisite to the adoption of a valid
10 tax levy and is not a limit on the amount of the levy.

11 Such budget shall be prepared in tentative form by some
12 person or persons designated by the board, and in such
13 tentative form shall be made conveniently available to public
14 inspection for at least 30 days prior to final action thereon.
15 At least 1 public hearing shall be held as to such budget prior
16 to final action thereon. Notice of availability for public
17 inspection and of such public hearing shall be given by
18 publication in a newspaper published in such district, at least
19 30 days prior to the time of such hearing. If there is no
20 newspaper published in such district, notice of such public
21 hearing shall be given by posting notices thereof in 5 of the
22 most public places in such district. It shall be the duty of
23 the secretary of such board to make such tentative budget
24 available to public inspection, and to arrange for such public
25 hearing. The board may from time to time make transfers between
26 the various items in any fund not exceeding in the aggregate

1 10% of the total of such fund as set forth in the budget. The
2 board may from time to time amend such budget by the same
3 procedure as is herein provided for its original adoption.

4 Beginning July 1, 1976, the board of education, or regional
5 superintendent, or governing board responsible for the
6 administration of a joint agreement shall, by September 1 of
7 each fiscal year thereafter, adopt an annual budget for the
8 joint agreement in the same manner and subject to the same
9 requirements as are provided in this Section.

10 The State Board of Education shall exercise powers and
11 duties relating to budgets as provided in Section 2-3.27 of
12 this Code and shall require school districts to submit their
13 annual budgets, deficit reduction plans, and other financial
14 information, including revenue and expenditure reports and
15 borrowing and interfund transfer plans, in such form and within
16 the timelines designated by the State Board of Education.

17 By fiscal year 1982 all school districts shall use the
18 Program Budget Accounting System.

19 In the case of a school district receiving emergency State
20 financial assistance under Article 1B, the school board shall
21 also be subject to the requirements established under Article
22 1B with respect to the annual budget.

23 (Source: P.A. 97-429, eff. 8-16-11.)

24 (105 ILCS 5/17-1.2)

25 Sec. 17-1.2. Post annual budget on web site. If a school

1 district has an Internet web site, the school district shall
2 post its current annual budget, itemized by receipts and
3 expenditures, on the district's Internet web site. The budget
4 shall include information conforming to the rules adopted by
5 the State Board of Education pursuant to Section 2-3.28 of this
6 Code. The school district shall notify the parents or guardians
7 of its students that the budget has been posted on the
8 district's web site and what the web site's address is.

9 (Source: P.A. 92-438, eff. 1-1-02.)

10 (105 ILCS 5/17-1.5)

11 Sec. 17-1.5. Limitation of administrative costs.

12 (a) It is the purpose of this Section to establish
13 limitations on the growth of administrative expenditures in
14 order to maximize the proportion of school district resources
15 available for the instructional program, building maintenance,
16 and safety services for the students of each district.

17 (b) Definitions. For the purposes of this Section:

18 "Administrative expenditures" mean the annual expenditures
19 of school districts properly attributable to expenditure
20 functions defined by the rules of the State Board of Education
21 as: 2320 (Executive Administration Services); 2330 (Special
22 Area Administration Services); 2490 (Other Support Services -
23 School Administration); 2510 (Direction of Business Support
24 Services); 2570 (Internal Services); and 2610 (Direction of
25 Central Support Services); provided, however, that

1 "administrative expenditures" shall not include early
2 retirement or other pension system obligations required by
3 State law.

4 "School district" means all school districts having a
5 population of less than 500,000.

6 (c) For the 1998-99 school year and each school year
7 thereafter, each school district shall undertake budgetary and
8 expenditure control actions so that the increase in
9 administrative expenditures for that school year over the prior
10 school year does not exceed 5%. School districts with
11 administrative expenditures per pupil in the 25th percentile
12 and below for all districts of the same type, as defined by the
13 State Board of Education, may waive the limitation imposed
14 under this Section for any year following a public hearing and
15 with the affirmative vote of at least two-thirds of the members
16 of the school board of the district. Any district waiving the
17 limitation shall notify the State Board within 45 days of such
18 action.

19 (d) School districts shall file with the State Board of
20 Education by November 15, 1998 and by each November 15th
21 thereafter a one-page report that lists (i) the actual
22 administrative expenditures for the prior year from the
23 district's audited Annual Financial Report, and (ii) the
24 projected administrative expenditures for the current year
25 from the budget adopted by the school board pursuant to Section
26 17-1 of this Code.

1 If a school district that is ineligible to waive the
2 limitation imposed by subsection (c) of this Section by board
3 action exceeds the limitation solely because of circumstances
4 beyond the control of the district and the district has
5 exhausted all available and reasonable remedies to comply with
6 the limitation, the district may request a waiver pursuant to
7 Section 2-3.25g. The waiver application shall specify the
8 amount, nature, and reason for the relief requested, as well as
9 all remedies the district has exhausted to comply with the
10 limitation. Any emergency relief so requested shall apply only
11 to the specific school year for which the request is made. The
12 State Board of Education shall analyze all such waivers
13 submitted and shall recommend that the General Assembly
14 disapprove any such waiver requested that is not due solely to
15 circumstances beyond the control of the district and for which
16 the district has not exhausted all available and reasonable
17 remedies to comply with the limitation. The State
18 Superintendent shall have no authority to impose any sanctions
19 pursuant to this Section for any expenditures for which a
20 waiver has been requested until such waiver has been reviewed
21 by the General Assembly.

22 If the report and information required under this
23 subsection (d) are not provided by the school district in a
24 timely manner, or are subsequently determined by the State
25 Superintendent of Education to be incomplete or inaccurate, the
26 State Superintendent shall notify the district in writing of

1 reporting deficiencies. The school district shall, within 60
2 days of the notice, address the reporting deficiencies
3 identified.

4 (e) If the State Superintendent determines that a school
5 district has failed to comply with the administrative
6 expenditure limitation imposed in subsection (c) of this
7 Section, the State Superintendent shall notify the district of
8 the violation and direct the district to undertake corrective
9 action to bring the district's budget into compliance with the
10 administrative expenditure limitation. The district shall,
11 within 60 days of the notice, provide adequate assurance to the
12 State Superintendent that appropriate corrective actions have
13 been or will be taken. If the district fails to provide
14 adequate assurance or fails to undertake the necessary
15 corrective actions, the State Superintendent may impose
16 progressive sanctions against the district that may culminate
17 in withholding all subsequent payments of general State aid due
18 the district under Section 18-8.05 of this Code or
19 evidence-based funding due the district under Section 18-8.15
20 of this Code until the assurance is provided or the corrective
21 actions taken.

22 (f) The State Superintendent shall publish a list each year
23 of the school districts that violate the limitation imposed by
24 subsection (c) of this Section and a list of the districts that
25 waive the limitation by board action as provided in subsection
26 (c) of this Section.

1 (Source: P.A. 90-548, eff. 1-1-98; 90-653, eff. 7-29-98.)

2 (105 ILCS 5/17-2.11) (from Ch. 122, par. 17-2.11)

3 Sec. 17-2.11. School board power to levy a tax or to borrow
4 money and issue bonds for fire prevention, safety, energy
5 conservation, accessibility, school security, and specified
6 repair purposes.

7 (a) Whenever, as a result of any lawful order of any
8 agency, other than a school board, having authority to enforce
9 any school building code applicable to any facility that houses
10 students, or any law or regulation for the protection and
11 safety of the environment, pursuant to the Environmental
12 Protection Act, any school district having a population of less
13 than 500,000 inhabitants is required to alter or reconstruct
14 any school building or permanent, fixed equipment; the district
15 may, by proper resolution, levy a tax for the purpose of making
16 such alteration or reconstruction, based on a survey report by
17 an architect or engineer licensed in this State, upon all of
18 the taxable property of the district at the value as assessed
19 by the Department of Revenue and at a rate not to exceed 0.05%
20 per year for a period sufficient to finance such alteration or
21 reconstruction, upon the following conditions:

22 (1) When there are not sufficient funds available in
23 the operations and maintenance fund of the school district,
24 the school facility occupation tax fund of the district, or
25 the fire prevention and safety fund of the district, as

1 determined by the district on the basis of rules adopted by
2 the State Board of Education, to make such alteration or
3 reconstruction or to purchase and install such permanent,
4 fixed equipment so ordered or determined as necessary.
5 Appropriate school district records must be made available
6 to the State Superintendent of Education, upon request, to
7 confirm this insufficiency.

8 (2) When a certified estimate of an architect or
9 engineer licensed in this State stating the estimated
10 amount necessary to make the alteration or reconstruction
11 or to purchase and install the equipment so ordered has
12 been secured by the school district, and the estimate has
13 been approved by the regional superintendent of schools
14 having jurisdiction over the district and the State
15 Superintendent of Education. Approval must not be granted
16 for any work that has already started without the prior
17 express authorization of the State Superintendent of
18 Education. If the estimate is not approved or is denied
19 approval by the regional superintendent of schools within 3
20 months after the date on which it is submitted to him or
21 her, the school board of the district may submit the
22 estimate directly to the State Superintendent of Education
23 for approval or denial.

24 In the case of an emergency situation, where the estimated
25 cost to effectuate emergency repairs is less than the amount
26 specified in Section 10-20.21 of this Code, the school district

1 may proceed with such repairs prior to approval by the State
2 Superintendent of Education, but shall comply with the
3 provisions of subdivision (2) of this subsection (a) as soon
4 thereafter as may be as well as Section 10-20.21 of this Code.
5 If the estimated cost to effectuate emergency repairs is
6 greater than the amount specified in Section 10-20.21 of this
7 Code, then the school district shall proceed in conformity with
8 Section 10-20.21 of this Code and with rules established by the
9 State Board of Education to address such situations. The rules
10 adopted by the State Board of Education to deal with these
11 situations shall stipulate that emergency situations must be
12 expedited and given priority consideration. For purposes of
13 this paragraph, an emergency is a situation that presents an
14 imminent and continuing threat to the health and safety of
15 students or other occupants of a facility, requires complete or
16 partial evacuation of a building or part of a building, or
17 consumes one or more of the 5 emergency days built into the
18 adopted calendar of the school or schools or would otherwise be
19 expected to cause such school or schools to fall short of the
20 minimum school calendar requirements.

21 (b) Whenever any such district determines that it is
22 necessary for energy conservation purposes that any school
23 building or permanent, fixed equipment should be altered or
24 reconstructed and that such alterations or reconstruction will
25 be made with funds not necessary for the completion of approved
26 and recommended projects contained in any safety survey report

1 or amendments thereto authorized by Section 2-3.12 of this Act;
2 the district may levy a tax or issue bonds as provided in
3 subsection (a) of this Section.

4 (c) Whenever any such district determines that it is
5 necessary for accessibility purposes and to comply with the
6 school building code that any school building or equipment
7 should be altered or reconstructed and that such alterations or
8 reconstruction will be made with funds not necessary for the
9 completion of approved and recommended projects contained in
10 any safety survey report or amendments thereto authorized under
11 Section 2-3.12 of this Act, the district may levy a tax or
12 issue bonds as provided in subsection (a) of this Section.

13 (d) Whenever any such district determines that it is
14 necessary for school security purposes and the related
15 protection and safety of pupils and school personnel that any
16 school building or property should be altered or reconstructed
17 or that security systems and equipment (including but not
18 limited to intercom, early detection and warning, access
19 control and television monitoring systems) should be purchased
20 and installed, and that such alterations, reconstruction or
21 purchase and installation of equipment will be made with funds
22 not necessary for the completion of approved and recommended
23 projects contained in any safety survey report or amendment
24 thereto authorized by Section 2-3.12 of this Act and will deter
25 and prevent unauthorized entry or activities upon school
26 property by unknown or dangerous persons, assure early

1 detection and advance warning of any such actual or attempted
2 unauthorized entry or activities and help assure the continued
3 safety of pupils and school staff if any such unauthorized
4 entry or activity is attempted or occurs; the district may levy
5 a tax or issue bonds as provided in subsection (a) of this
6 Section.

7 (e) If a school district does not need funds for other fire
8 prevention and safety projects, including the completion of
9 approved and recommended projects contained in any safety
10 survey report or amendments thereto authorized by Section
11 2-3.12 of this Act, and it is determined after a public hearing
12 (which is preceded by at least one published notice (i)
13 occurring at least 7 days prior to the hearing in a newspaper
14 of general circulation within the school district and (ii)
15 setting forth the time, date, place, and general subject matter
16 of the hearing) that there is a substantial, immediate, and
17 otherwise unavoidable threat to the health, safety, or welfare
18 of pupils due to disrepair of school sidewalks, playgrounds,
19 parking lots, or school bus turnarounds and repairs must be
20 made; then the district may levy a tax or issue bonds as
21 provided in subsection (a) of this Section.

22 (f) For purposes of this Section a school district may
23 replace a school building or build additions to replace
24 portions of a building when it is determined that the
25 effectuation of the recommendations for the existing building
26 will cost more than the replacement costs. Such determination

1 shall be based on a comparison of estimated costs made by an
2 architect or engineer licensed in the State of Illinois. The
3 new building or addition shall be equivalent in area (square
4 feet) and comparable in purpose and grades served and may be on
5 the same site or another site. Such replacement may only be
6 done upon order of the regional superintendent of schools and
7 the approval of the State Superintendent of Education.

8 (g) The filing of a certified copy of the resolution
9 levying the tax when accompanied by the certificates of the
10 regional superintendent of schools and State Superintendent of
11 Education shall be the authority of the county clerk to extend
12 such tax.

13 (h) The county clerk of the county in which any school
14 district levying a tax under the authority of this Section is
15 located, in reducing raised levies, shall not consider any such
16 tax as a part of the general levy for school purposes and shall
17 not include the same in the limitation of any other tax rate
18 which may be extended.

19 Such tax shall be levied and collected in like manner as
20 all other taxes of school districts, subject to the provisions
21 contained in this Section.

22 (i) The tax rate limit specified in this Section may be
23 increased to .10% upon the approval of a proposition to effect
24 such increase by a majority of the electors voting on that
25 proposition at a regular scheduled election. Such proposition
26 may be initiated by resolution of the school board and shall be

1 certified by the secretary to the proper election authorities
2 for submission in accordance with the general election law.

3 (j) When taxes are levied by any school district for fire
4 prevention, safety, energy conservation, and school security
5 purposes as specified in this Section, and the purposes for
6 which the taxes have been levied are accomplished and paid in
7 full, and there remain funds on hand in the Fire Prevention and
8 Safety Fund from the proceeds of the taxes levied, including
9 interest earnings thereon, the school board by resolution shall
10 use such excess and other board restricted funds, excluding
11 bond proceeds and earnings from such proceeds, as follows:

12 (1) for other authorized fire prevention, safety,
13 energy conservation, required safety inspections, school
14 security purposes, sampling for lead in drinking water in
15 schools, and for repair and mitigation due to lead levels
16 in the drinking water supply; or

17 (2) for transfer to the Operations and Maintenance Fund
18 for the purpose of abating an equal amount of operations
19 and maintenance purposes taxes.

20 Notwithstanding subdivision (2) of this subsection (j) and
21 subsection (k) of this Section, through June 30, 2020 ~~2019~~, the
22 school board may, by proper resolution following a public
23 hearing set by the school board or the president of the school
24 board (that is preceded (i) by at least one published notice
25 over the name of the clerk or secretary of the board, occurring
26 at least 7 days and not more than 30 days prior to the hearing,

1 in a newspaper of general circulation within the school
2 district and (ii) by posted notice over the name of the clerk
3 or secretary of the board, at least 48 hours before the
4 hearing, at the principal office of the school board or at the
5 building where the hearing is to be held if a principal office
6 does not exist, with both notices setting forth the time, date,
7 place, and subject matter of the hearing), transfer surplus
8 life safety taxes and interest earnings thereon to the
9 Operations and Maintenance Fund for building repair work.

10 (k) If any transfer is made to the Operation and
11 Maintenance Fund, the secretary of the school board shall
12 within 30 days notify the county clerk of the amount of that
13 transfer and direct the clerk to abate the taxes to be extended
14 for the purposes of operations and maintenance authorized under
15 Section 17-2 of this Act by an amount equal to such transfer.

16 (l) If the proceeds from the tax levy authorized by this
17 Section are insufficient to complete the work approved under
18 this Section, the school board is authorized to sell bonds
19 without referendum under the provisions of this Section in an
20 amount that, when added to the proceeds of the tax levy
21 authorized by this Section, will allow completion of the
22 approved work.

23 (m) Any bonds issued pursuant to this Section shall bear
24 interest at a rate not to exceed the maximum rate authorized by
25 law at the time of the making of the contract, shall mature
26 within 20 years from date, and shall be signed by the president

1 of the school board and the treasurer of the school district.

2 (n) In order to authorize and issue such bonds, the school
3 board shall adopt a resolution fixing the amount of bonds, the
4 date thereof, the maturities thereof, rates of interest
5 thereof, place of payment and denomination, which shall be in
6 denominations of not less than \$100 and not more than \$5,000,
7 and provide for the levy and collection of a direct annual tax
8 upon all the taxable property in the school district sufficient
9 to pay the principal and interest on such bonds to maturity.
10 Upon the filing in the office of the county clerk of the county
11 in which the school district is located of a certified copy of
12 the resolution, it is the duty of the county clerk to extend
13 the tax therefor in addition to and in excess of all other
14 taxes heretofore or hereafter authorized to be levied by such
15 school district.

16 (o) After the time such bonds are issued as provided for by
17 this Section, if additional alterations or reconstructions are
18 required to be made because of surveys conducted by an
19 architect or engineer licensed in the State of Illinois, the
20 district may levy a tax at a rate not to exceed .05% per year
21 upon all the taxable property of the district or issue
22 additional bonds, whichever action shall be the most feasible.

23 (p) This Section is cumulative and constitutes complete
24 authority for the issuance of bonds as provided in this Section
25 notwithstanding any other statute or law to the contrary.

26 (q) With respect to instruments for the payment of money

1 issued under this Section either before, on, or after the
2 effective date of Public Act 86-004 (June 6, 1989), it is, and
3 always has been, the intention of the General Assembly (i) that
4 the Omnibus Bond Acts are, and always have been, supplementary
5 grants of power to issue instruments in accordance with the
6 Omnibus Bond Acts, regardless of any provision of this Act that
7 may appear to be or to have been more restrictive than those
8 Acts, (ii) that the provisions of this Section are not a
9 limitation on the supplementary authority granted by the
10 Omnibus Bond Acts, and (iii) that instruments issued under this
11 Section within the supplementary authority granted by the
12 Omnibus Bond Acts are not invalid because of any provision of
13 this Act that may appear to be or to have been more restrictive
14 than those Acts.

15 (r) When the purposes for which the bonds are issued have
16 been accomplished and paid for in full and there remain funds
17 on hand from the proceeds of the bond sale and interest
18 earnings therefrom, the board shall, by resolution, use such
19 excess funds in accordance with the provisions of Section
20 10-22.14 of this Act.

21 (s) Whenever any tax is levied or bonds issued for fire
22 prevention, safety, energy conservation, and school security
23 purposes, such proceeds shall be deposited and accounted for
24 separately within the Fire Prevention and Safety Fund.

25 (Source: P.A. 98-26, eff. 6-21-13; 98-1066, eff. 8-26-14;
26 99-143, eff. 7-27-15; 99-713, eff. 8-5-16; 99-922, eff.

1 1-17-17.)

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

3 Sec. 17-2A. Interfund transfers.

4 (a) The school board of any district having a population of
5 less than 500,000 inhabitants may, by proper resolution
6 following a public hearing set by the school board or the
7 president of the school board (that is preceded (i) by at least
8 one published notice over the name of the clerk or secretary of
9 the board, occurring at least 7 days and not more than 30 days
10 prior to the hearing, in a newspaper of general circulation
11 within the school district and (ii) by posted notice over the
12 name of the clerk or secretary of the board, at least 48 hours
13 before the hearing, at the principal office of the school board
14 or at the building where the hearing is to be held if a
15 principal office does not exist, with both notices setting
16 forth the time, date, place, and subject matter of the
17 hearing), transfer money from (1) the Educational Fund to the
18 Operations and Maintenance Fund or the Transportation Fund, (2)
19 the Operations and Maintenance Fund to the Educational Fund or
20 the Transportation Fund, (3) the Transportation Fund to the
21 Educational Fund or the Operations and Maintenance Fund, or (4)
22 the Tort Immunity Fund to the Operations and Maintenance Fund
23 of said district, provided that, except during the period from
24 July 1, 2003 through June 30, 2020 ~~2019~~, such transfer is made
25 solely for the purpose of meeting one-time, non-recurring

1 expenses. Except during the period from July 1, 2003 through
2 June 30, 2020 ~~2019~~ and except as otherwise provided in
3 subsection (b) of this Section, any other permanent interfund
4 transfers authorized by any provision or judicial
5 interpretation of this Code for which the transferee fund is
6 not precisely and specifically set forth in the provision of
7 this Code authorizing such transfer shall be made to the fund
8 of the school district most in need of the funds being
9 transferred, as determined by resolution of the school board.

10 (b) (Blank).

11 (c) Notwithstanding subsection (a) of this Section or any
12 other provision of this Code to the contrary, the school board
13 of any school district (i) that is subject to the Property Tax
14 Extension Limitation Law, (ii) that is an elementary district
15 servicing students in grades K through 8, (iii) whose territory
16 is in one county, (iv) that is eligible for Section 7002
17 Federal Impact Aid, and (v) that has no more than \$81,000 in
18 funds remaining from refinancing bonds that were refinanced a
19 minimum of 5 years prior to January 20, 2017 (the effective
20 date of Public Act 99-926) ~~this amendatory Act of the 99th~~
21 ~~General Assembly~~ may make a one-time transfer of the funds
22 remaining from the refinancing bonds to the Operations and
23 Maintenance Fund of the district by proper resolution following
24 a public hearing set by the school board or the president of
25 the school board, with notice as provided in subsection (a) of
26 this Section, so long as the district meets the qualifications

1 set forth in this subsection (c) on January 20, 2017 (the
2 effective date of Public Act 99-926) ~~this amendatory Act of the~~
3 ~~99th General Assembly.~~

4 (Source: P.A. 98-26, eff. 6-21-13; 98-131, eff. 1-1-14; 99-713,
5 eff. 8-5-16; 99-922, eff. 1-17-17; 99-926, eff. 1-20-17;
6 revised 1-23-17.)

7 (105 ILCS 5/17-3.6 new)

8 Sec. 17-3.6. Educational purposes tax rate for school
9 districts subject to Property Tax Extension Limitation Law.
10 Notwithstanding the provisions, requirements, or limitations
11 of this Code or any other law, any tax levied for educational
12 purposes by a school district subject to the Property Tax
13 Extension Limitation Law for the 2016 levy year or any
14 subsequent levy year may be extended at a rate exceeding the
15 rate established for educational purposes by referendum or this
16 Code, provided that the rate does not cause the school district
17 to exceed the limiting rate applicable to the school district
18 under the Property Tax Extension Limitation Law for that levy
19 year.

20 (105 ILCS 5/18-4.3) (from Ch. 122, par. 18-4.3)

21 Sec. 18-4.3. Summer school grants. Through fiscal year
22 2017, grants ~~Grants~~ shall be determined for pupil attendance in
23 summer schools conducted under Sections 10-22.33A and 34-18 and
24 approved under Section 2-3.25 in the following manner.

1 The amount of grant for each accredited summer school
2 attendance pupil shall be obtained by dividing the total amount
3 of apportionments determined under Section 18-8.05 by the
4 actual number of pupils in average daily attendance used for
5 such apportionments. The number of credited summer school
6 attendance pupils shall be determined (a) by counting clock
7 hours of class instruction by pupils enrolled in grades 1
8 through 12 in approved courses conducted at least 60 clock
9 hours in summer sessions; (b) by dividing such total of clock
10 hours of class instruction by 4 to produce days of credited
11 pupil attendance; (c) by dividing such days of credited pupil
12 attendance by the actual number of days in the regular term as
13 used in computation in the general apportionment in Section
14 18-8.05; and (d) by multiplying by 1.25.

15 The amount of the grant for a summer school program
16 approved by the State Superintendent of Education for children
17 with disabilities, as defined in Sections 14-1.02 through
18 14-1.07, shall be determined in the manner contained above
19 except that average daily membership shall be utilized in lieu
20 of average daily attendance.

21 In the case of an apportionment based on summer school
22 attendance or membership pupils, the claim therefor shall be
23 presented as a separate claim for the particular school year in
24 which such summer school session ends. On or before November 1
25 of each year the superintendent of each eligible school
26 district shall certify to the State Superintendent of Education

1 the claim of the district for the summer session just ended.
2 Failure on the part of the school board to so certify shall
3 constitute a forfeiture of its right to such payment. The State
4 Superintendent of Education shall transmit to the Comptroller
5 no later than December 15th of each year vouchers for payment
6 of amounts due school districts for summer school. The State
7 Superintendent of Education shall direct the Comptroller to
8 draw his warrants for payments thereof by the 30th day of
9 December. If the money appropriated by the General Assembly for
10 such purpose for any year is insufficient, it shall be
11 apportioned on the basis of claims approved.

12 However, notwithstanding the foregoing provisions, for
13 each fiscal year the money appropriated by the General Assembly
14 for the purposes of this Section shall only be used for grants
15 for approved summer school programs for those children with
16 disabilities served pursuant to Section 14-7.02 or 14-7.02b of
17 this Code.

18 No funding shall be provided to school districts under this
19 Section after fiscal year 2017.

20 (Source: P.A. 93-1022, eff. 8-24-04.)

21 (105 ILCS 5/18-8.05)

22 Sec. 18-8.05. Basis for apportionment of general State
23 financial aid and supplemental general State aid to the common
24 schools for the 1998-1999 through the 2016-2017 ~~and subsequent~~
25 school years.

1 (A) General Provisions.

2 (1) The provisions of this Section relating to the
3 calculation and apportionment of general State financial aid
4 and supplemental general State aid apply to the 1998-1999
5 through the 2016-2017 ~~and subsequent~~ school years. The system
6 of general State financial aid provided for in this Section is
7 designed to assure that, through a combination of State
8 financial aid and required local resources, the financial
9 support provided each pupil in Average Daily Attendance equals
10 or exceeds a prescribed per pupil Foundation Level. This
11 formula approach imputes a level of per pupil Available Local
12 Resources and provides for the basis to calculate a per pupil
13 level of general State financial aid that, when added to
14 Available Local Resources, equals or exceeds the Foundation
15 Level. The amount of per pupil general State financial aid for
16 school districts, in general, varies in inverse relation to
17 Available Local Resources. Per pupil amounts are based upon
18 each school district's Average Daily Attendance as that term is
19 defined in this Section.

20 (2) In addition to general State financial aid, school
21 districts with specified levels or concentrations of pupils
22 from low income households are eligible to receive supplemental
23 general State financial aid grants as provided pursuant to
24 subsection (H). The supplemental State aid grants provided for
25 school districts under subsection (H) shall be appropriated for

1 distribution to school districts as part of the same line item
2 in which the general State financial aid of school districts is
3 appropriated under this Section.

4 (3) To receive financial assistance under this Section,
5 school districts are required to file claims with the State
6 Board of Education, subject to the following requirements:

7 (a) Any school district which fails for any given
8 school year to maintain school as required by law, or to
9 maintain a recognized school is not eligible to file for
10 such school year any claim upon the Common School Fund. In
11 case of nonrecognition of one or more attendance centers in
12 a school district otherwise operating recognized schools,
13 the claim of the district shall be reduced in the
14 proportion which the Average Daily Attendance in the
15 attendance center or centers bear to the Average Daily
16 Attendance in the school district. A "recognized school"
17 means any public school which meets the standards as
18 established for recognition by the State Board of
19 Education. A school district or attendance center not
20 having recognition status at the end of a school term is
21 entitled to receive State aid payments due upon a legal
22 claim which was filed while it was recognized.

23 (b) School district claims filed under this Section are
24 subject to Sections 18-9 and 18-12, except as otherwise
25 provided in this Section.

26 (c) If a school district operates a full year school

1 under Section 10-19.1, the general State aid to the school
2 district shall be determined by the State Board of
3 Education in accordance with this Section as near as may be
4 applicable.

5 (d) (Blank).

6 (4) Except as provided in subsections (H) and (L), the
7 board of any district receiving any of the grants provided for
8 in this Section may apply those funds to any fund so received
9 for which that board is authorized to make expenditures by law.

10 School districts are not required to exert a minimum
11 Operating Tax Rate in order to qualify for assistance under
12 this Section.

13 (5) As used in this Section the following terms, when
14 capitalized, shall have the meaning ascribed herein:

15 (a) "Average Daily Attendance": A count of pupil
16 attendance in school, averaged as provided for in
17 subsection (C) and utilized in deriving per pupil financial
18 support levels.

19 (b) "Available Local Resources": A computation of
20 local financial support, calculated on the basis of Average
21 Daily Attendance and derived as provided pursuant to
22 subsection (D).

23 (c) "Corporate Personal Property Replacement Taxes":
24 Funds paid to local school districts pursuant to "An Act in
25 relation to the abolition of ad valorem personal property
26 tax and the replacement of revenues lost thereby, and

1 amending and repealing certain Acts and parts of Acts in
2 connection therewith", certified August 14, 1979, as
3 amended (Public Act 81-1st S.S.-1).

4 (d) "Foundation Level": A prescribed level of per pupil
5 financial support as provided for in subsection (B).

6 (e) "Operating Tax Rate": All school district property
7 taxes extended for all purposes, except Bond and Interest,
8 Summer School, Rent, Capital Improvement, and Vocational
9 Education Building purposes.

10 (B) Foundation Level.

11 (1) The Foundation Level is a figure established by the
12 State representing the minimum level of per pupil financial
13 support that should be available to provide for the basic
14 education of each pupil in Average Daily Attendance. As set
15 forth in this Section, each school district is assumed to exert
16 a sufficient local taxing effort such that, in combination with
17 the aggregate of general State financial aid provided the
18 district, an aggregate of State and local resources are
19 available to meet the basic education needs of pupils in the
20 district.

21 (2) For the 1998-1999 school year, the Foundation Level of
22 support is \$4,225. For the 1999-2000 school year, the
23 Foundation Level of support is \$4,325. For the 2000-2001 school
24 year, the Foundation Level of support is \$4,425. For the
25 2001-2002 school year and 2002-2003 school year, the Foundation

1 Level of support is \$4,560. For the 2003-2004 school year, the
2 Foundation Level of support is \$4,810. For the 2004-2005 school
3 year, the Foundation Level of support is \$4,964. For the
4 2005-2006 school year, the Foundation Level of support is
5 \$5,164. For the 2006-2007 school year, the Foundation Level of
6 support is \$5,334. For the 2007-2008 school year, the
7 Foundation Level of support is \$5,734. For the 2008-2009 school
8 year, the Foundation Level of support is \$5,959.

9 (3) For the 2009-2010 school year and each school year
10 thereafter, the Foundation Level of support is \$6,119 or such
11 greater amount as may be established by law by the General
12 Assembly.

13 (C) Average Daily Attendance.

14 (1) For purposes of calculating general State aid pursuant
15 to subsection (E), an Average Daily Attendance figure shall be
16 utilized. The Average Daily Attendance figure for formula
17 calculation purposes shall be the monthly average of the actual
18 number of pupils in attendance of each school district, as
19 further averaged for the best 3 months of pupil attendance for
20 each school district. In compiling the figures for the number
21 of pupils in attendance, school districts and the State Board
22 of Education shall, for purposes of general State aid funding,
23 conform attendance figures to the requirements of subsection
24 (F).

25 (2) The Average Daily Attendance figures utilized in

1 subsection (E) shall be the requisite attendance data for the
2 school year immediately preceding the school year for which
3 general State aid is being calculated or the average of the
4 attendance data for the 3 preceding school years, whichever is
5 greater. The Average Daily Attendance figures utilized in
6 subsection (H) shall be the requisite attendance data for the
7 school year immediately preceding the school year for which
8 general State aid is being calculated.

9 (D) Available Local Resources.

10 (1) For purposes of calculating general State aid pursuant
11 to subsection (E), a representation of Available Local
12 Resources per pupil, as that term is defined and determined in
13 this subsection, shall be utilized. Available Local Resources
14 per pupil shall include a calculated dollar amount representing
15 local school district revenues from local property taxes and
16 from Corporate Personal Property Replacement Taxes, expressed
17 on the basis of pupils in Average Daily Attendance. Calculation
18 of Available Local Resources shall exclude any tax amnesty
19 funds received as a result of Public Act 93-26.

20 (2) In determining a school district's revenue from local
21 property taxes, the State Board of Education shall utilize the
22 equalized assessed valuation of all taxable property of each
23 school district as of September 30 of the previous year. The
24 equalized assessed valuation utilized shall be obtained and
25 determined as provided in subsection (G).

1 (3) For school districts maintaining grades kindergarten
2 through 12, local property tax revenues per pupil shall be
3 calculated as the product of the applicable equalized assessed
4 valuation for the district multiplied by 3.00%, and divided by
5 the district's Average Daily Attendance figure. For school
6 districts maintaining grades kindergarten through 8, local
7 property tax revenues per pupil shall be calculated as the
8 product of the applicable equalized assessed valuation for the
9 district multiplied by 2.30%, and divided by the district's
10 Average Daily Attendance figure. For school districts
11 maintaining grades 9 through 12, local property tax revenues
12 per pupil shall be the applicable equalized assessed valuation
13 of the district multiplied by 1.05%, and divided by the
14 district's Average Daily Attendance figure.

15 For partial elementary unit districts created pursuant to
16 Article 11E of this Code, local property tax revenues per pupil
17 shall be calculated as the product of the equalized assessed
18 valuation for property within the partial elementary unit
19 district for elementary purposes, as defined in Article 11E of
20 this Code, multiplied by 2.06% and divided by the district's
21 Average Daily Attendance figure, plus the product of the
22 equalized assessed valuation for property within the partial
23 elementary unit district for high school purposes, as defined
24 in Article 11E of this Code, multiplied by 0.94% and divided by
25 the district's Average Daily Attendance figure.

26 (4) The Corporate Personal Property Replacement Taxes paid

1 to each school district during the calendar year one year
2 before the calendar year in which a school year begins, divided
3 by the Average Daily Attendance figure for that district, shall
4 be added to the local property tax revenues per pupil as
5 derived by the application of the immediately preceding
6 paragraph (3). The sum of these per pupil figures for each
7 school district shall constitute Available Local Resources as
8 that term is utilized in subsection (E) in the calculation of
9 general State aid.

10 (E) Computation of General State Aid.

11 (1) For each school year, the amount of general State aid
12 allotted to a school district shall be computed by the State
13 Board of Education as provided in this subsection.

14 (2) For any school district for which Available Local
15 Resources per pupil is less than the product of 0.93 times the
16 Foundation Level, general State aid for that district shall be
17 calculated as an amount equal to the Foundation Level minus
18 Available Local Resources, multiplied by the Average Daily
19 Attendance of the school district.

20 (3) For any school district for which Available Local
21 Resources per pupil is equal to or greater than the product of
22 0.93 times the Foundation Level and less than the product of
23 1.75 times the Foundation Level, the general State aid per
24 pupil shall be a decimal proportion of the Foundation Level
25 derived using a linear algorithm. Under this linear algorithm,

1 the calculated general State aid per pupil shall decline in
2 direct linear fashion from 0.07 times the Foundation Level for
3 a school district with Available Local Resources equal to the
4 product of 0.93 times the Foundation Level, to 0.05 times the
5 Foundation Level for a school district with Available Local
6 Resources equal to the product of 1.75 times the Foundation
7 Level. The allocation of general State aid for school districts
8 subject to this paragraph 3 shall be the calculated general
9 State aid per pupil figure multiplied by the Average Daily
10 Attendance of the school district.

11 (4) For any school district for which Available Local
12 Resources per pupil equals or exceeds the product of 1.75 times
13 the Foundation Level, the general State aid for the school
14 district shall be calculated as the product of \$218 multiplied
15 by the Average Daily Attendance of the school district.

16 (5) The amount of general State aid allocated to a school
17 district for the 1999-2000 school year meeting the requirements
18 set forth in paragraph (4) of subsection (G) shall be increased
19 by an amount equal to the general State aid that would have
20 been received by the district for the 1998-1999 school year by
21 utilizing the Extension Limitation Equalized Assessed
22 Valuation as calculated in paragraph (4) of subsection (G) less
23 the general State aid allotted for the 1998-1999 school year.
24 This amount shall be deemed a one time increase, and shall not
25 affect any future general State aid allocations.

1 (F) Compilation of Average Daily Attendance.

2 (1) Each school district shall, by July 1 of each year,
3 submit to the State Board of Education, on forms prescribed by
4 the State Board of Education, attendance figures for the school
5 year that began in the preceding calendar year. The attendance
6 information so transmitted shall identify the average daily
7 attendance figures for each month of the school year. Beginning
8 with the general State aid claim form for the 2002-2003 school
9 year, districts shall calculate Average Daily Attendance as
10 provided in subdivisions (a), (b), and (c) of this paragraph
11 (1).

12 (a) In districts that do not hold year-round classes,
13 days of attendance in August shall be added to the month of
14 September and any days of attendance in June shall be added
15 to the month of May.

16 (b) In districts in which all buildings hold year-round
17 classes, days of attendance in July and August shall be
18 added to the month of September and any days of attendance
19 in June shall be added to the month of May.

20 (c) In districts in which some buildings, but not all,
21 hold year-round classes, for the non-year-round buildings,
22 days of attendance in August shall be added to the month of
23 September and any days of attendance in June shall be added
24 to the month of May. The average daily attendance for the
25 year-round buildings shall be computed as provided in
26 subdivision (b) of this paragraph (1). To calculate the

1 Average Daily Attendance for the district, the average
2 daily attendance for the year-round buildings shall be
3 multiplied by the days in session for the non-year-round
4 buildings for each month and added to the monthly
5 attendance of the non-year-round buildings.

6 Except as otherwise provided in this Section, days of
7 attendance by pupils shall be counted only for sessions of not
8 less than 5 clock hours of school work per day under direct
9 supervision of: (i) teachers, or (ii) non-teaching personnel or
10 volunteer personnel when engaging in non-teaching duties and
11 supervising in those instances specified in subsection (a) of
12 Section 10-22.34 and paragraph 10 of Section 34-18, with pupils
13 of legal school age and in kindergarten and grades 1 through
14 12. Days of attendance by pupils through verified participation
15 in an e-learning program approved by the State Board of
16 Education under Section 10-20.56 of the Code shall be
17 considered as full days of attendance for purposes of this
18 Section.

19 Days of attendance by tuition pupils shall be accredited
20 only to the districts that pay the tuition to a recognized
21 school.

22 (2) Days of attendance by pupils of less than 5 clock hours
23 of school shall be subject to the following provisions in the
24 compilation of Average Daily Attendance.

25 (a) Pupils regularly enrolled in a public school for
26 only a part of the school day may be counted on the basis

1 of 1/6 day for every class hour of instruction of 40
2 minutes or more attended pursuant to such enrollment,
3 unless a pupil is enrolled in a block-schedule format of 80
4 minutes or more of instruction, in which case the pupil may
5 be counted on the basis of the proportion of minutes of
6 school work completed each day to the minimum number of
7 minutes that school work is required to be held that day.

8 (b) (Blank).

9 (c) A session of 4 or more clock hours may be counted
10 as a day of attendance upon certification by the regional
11 superintendent, and approved by the State Superintendent
12 of Education to the extent that the district has been
13 forced to use daily multiple sessions.

14 (d) A session of 3 or more clock hours may be counted
15 as a day of attendance (1) when the remainder of the school
16 day or at least 2 hours in the evening of that day is
17 utilized for an in-service training program for teachers,
18 up to a maximum of 5 days per school year, provided a
19 district conducts an in-service training program for
20 teachers in accordance with Section 10-22.39 of this Code;
21 or, in lieu of 4 such days, 2 full days may be used, in
22 which event each such day may be counted as a day required
23 for a legal school calendar pursuant to Section 10-19 of
24 this Code; (1.5) when, of the 5 days allowed under item
25 (1), a maximum of 4 days are used for parent-teacher
26 conferences, or, in lieu of 4 such days, 2 full days are

1 used, in which case each such day may be counted as a
2 calendar day required under Section 10-19 of this Code,
3 provided that the full-day, parent-teacher conference
4 consists of (i) a minimum of 5 clock hours of
5 parent-teacher conferences, (ii) both a minimum of 2 clock
6 hours of parent-teacher conferences held in the evening
7 following a full day of student attendance, as specified in
8 subsection (F)(1)(c), and a minimum of 3 clock hours of
9 parent-teacher conferences held on the day immediately
10 following evening parent-teacher conferences, or (iii)
11 multiple parent-teacher conferences held in the evenings
12 following full days of student attendance, as specified in
13 subsection (F)(1)(c), in which the time used for the
14 parent-teacher conferences is equivalent to a minimum of 5
15 clock hours; and (2) when days in addition to those
16 provided in items (1) and (1.5) are scheduled by a school
17 pursuant to its school improvement plan adopted under
18 Article 34 or its revised or amended school improvement
19 plan adopted under Article 2, provided that (i) such
20 sessions of 3 or more clock hours are scheduled to occur at
21 regular intervals, (ii) the remainder of the school days in
22 which such sessions occur are utilized for in-service
23 training programs or other staff development activities
24 for teachers, and (iii) a sufficient number of minutes of
25 school work under the direct supervision of teachers are
26 added to the school days between such regularly scheduled

1 sessions to accumulate not less than the number of minutes
2 by which such sessions of 3 or more clock hours fall short
3 of 5 clock hours. Any full days used for the purposes of
4 this paragraph shall not be considered for computing
5 average daily attendance. Days scheduled for in-service
6 training programs, staff development activities, or
7 parent-teacher conferences may be scheduled separately for
8 different grade levels and different attendance centers of
9 the district.

10 (e) A session of not less than one clock hour of
11 teaching hospitalized or homebound pupils on-site or by
12 telephone to the classroom may be counted as 1/2 day of
13 attendance, however these pupils must receive 4 or more
14 clock hours of instruction to be counted for a full day of
15 attendance.

16 (f) A session of at least 4 clock hours may be counted
17 as a day of attendance for first grade pupils, and pupils
18 in full day kindergartens, and a session of 2 or more hours
19 may be counted as 1/2 day of attendance by pupils in
20 kindergartens which provide only 1/2 day of attendance.

21 (g) For children with disabilities who are below the
22 age of 6 years and who cannot attend 2 or more clock hours
23 because of their disability or immaturity, a session of not
24 less than one clock hour may be counted as 1/2 day of
25 attendance; however for such children whose educational
26 needs so require a session of 4 or more clock hours may be

1 counted as a full day of attendance.

2 (h) A recognized kindergarten which provides for only
3 1/2 day of attendance by each pupil shall not have more
4 than 1/2 day of attendance counted in any one day. However,
5 kindergartens may count 2 1/2 days of attendance in any 5
6 consecutive school days. When a pupil attends such a
7 kindergarten for 2 half days on any one school day, the
8 pupil shall have the following day as a day absent from
9 school, unless the school district obtains permission in
10 writing from the State Superintendent of Education.
11 Attendance at kindergartens which provide for a full day of
12 attendance by each pupil shall be counted the same as
13 attendance by first grade pupils. Only the first year of
14 attendance in one kindergarten shall be counted, except in
15 case of children who entered the kindergarten in their
16 fifth year whose educational development requires a second
17 year of kindergarten as determined under the rules and
18 regulations of the State Board of Education.

19 (i) On the days when the assessment that includes a
20 college and career ready determination is administered
21 under subsection (c) of Section 2-3.64a-5 of this Code, the
22 day of attendance for a pupil whose school day must be
23 shortened to accommodate required testing procedures may
24 be less than 5 clock hours and shall be counted towards the
25 176 days of actual pupil attendance required under Section
26 10-19 of this Code, provided that a sufficient number of

1 minutes of school work in excess of 5 clock hours are first
2 completed on other school days to compensate for the loss
3 of school work on the examination days.

4 (j) Pupils enrolled in a remote educational program
5 established under Section 10-29 of this Code may be counted
6 on the basis of one-fifth day of attendance for every clock
7 hour of instruction attended in the remote educational
8 program, provided that, in any month, the school district
9 may not claim for a student enrolled in a remote
10 educational program more days of attendance than the
11 maximum number of days of attendance the district can claim

12 (i) for students enrolled in a building holding year-round
13 classes if the student is classified as participating in
14 the remote educational program on a year-round schedule or

15 (ii) for students enrolled in a building not holding
16 year-round classes if the student is not classified as
17 participating in the remote educational program on a
18 year-round schedule.

19 (G) Equalized Assessed Valuation Data.

20 (1) For purposes of the calculation of Available Local
21 Resources required pursuant to subsection (D), the State Board
22 of Education shall secure from the Department of Revenue the
23 value as equalized or assessed by the Department of Revenue of
24 all taxable property of every school district, together with
25 (i) the applicable tax rate used in extending taxes for the

1 funds of the district as of September 30 of the previous year
2 and (ii) the limiting rate for all school districts subject to
3 property tax extension limitations as imposed under the
4 Property Tax Extension Limitation Law.

5 The Department of Revenue shall add to the equalized
6 assessed value of all taxable property of each school district
7 situated entirely or partially within a county that is or was
8 subject to the provisions of Section 15-176 or 15-177 of the
9 Property Tax Code (a) an amount equal to the total amount by
10 which the homestead exemption allowed under Section 15-176 or
11 15-177 of the Property Tax Code for real property situated in
12 that school district exceeds the total amount that would have
13 been allowed in that school district if the maximum reduction
14 under Section 15-176 was (i) \$4,500 in Cook County or \$3,500 in
15 all other counties in tax year 2003 or (ii) \$5,000 in all
16 counties in tax year 2004 and thereafter and (b) an amount
17 equal to the aggregate amount for the taxable year of all
18 additional exemptions under Section 15-175 of the Property Tax
19 Code for owners with a household income of \$30,000 or less. The
20 county clerk of any county that is or was subject to the
21 provisions of Section 15-176 or 15-177 of the Property Tax Code
22 shall annually calculate and certify to the Department of
23 Revenue for each school district all homestead exemption
24 amounts under Section 15-176 or 15-177 of the Property Tax Code
25 and all amounts of additional exemptions under Section 15-175
26 of the Property Tax Code for owners with a household income of

1 \$30,000 or less. It is the intent of this paragraph that if the
2 general homestead exemption for a parcel of property is
3 determined under Section 15-176 or 15-177 of the Property Tax
4 Code rather than Section 15-175, then the calculation of
5 Available Local Resources shall not be affected by the
6 difference, if any, between the amount of the general homestead
7 exemption allowed for that parcel of property under Section
8 15-176 or 15-177 of the Property Tax Code and the amount that
9 would have been allowed had the general homestead exemption for
10 that parcel of property been determined under Section 15-175 of
11 the Property Tax Code. It is further the intent of this
12 paragraph that if additional exemptions are allowed under
13 Section 15-175 of the Property Tax Code for owners with a
14 household income of less than \$30,000, then the calculation of
15 Available Local Resources shall not be affected by the
16 difference, if any, because of those additional exemptions.

17 This equalized assessed valuation, as adjusted further by
18 the requirements of this subsection, shall be utilized in the
19 calculation of Available Local Resources.

20 (2) The equalized assessed valuation in paragraph (1) shall
21 be adjusted, as applicable, in the following manner:

22 (a) For the purposes of calculating State aid under
23 this Section, with respect to any part of a school district
24 within a redevelopment project area in respect to which a
25 municipality has adopted tax increment allocation
26 financing pursuant to the Tax Increment Allocation

1 Redevelopment Act, Sections 11-74.4-1 through 11-74.4-11
2 of the Illinois Municipal Code or the Industrial Jobs
3 Recovery Law, Sections 11-74.6-1 through 11-74.6-50 of the
4 Illinois Municipal Code, no part of the current equalized
5 assessed valuation of real property located in any such
6 project area which is attributable to an increase above the
7 total initial equalized assessed valuation of such
8 property shall be used as part of the equalized assessed
9 valuation of the district, until such time as all
10 redevelopment project costs have been paid, as provided in
11 Section 11-74.4-8 of the Tax Increment Allocation
12 Redevelopment Act or in Section 11-74.6-35 of the
13 Industrial Jobs Recovery Law. For the purpose of the
14 equalized assessed valuation of the district, the total
15 initial equalized assessed valuation or the current
16 equalized assessed valuation, whichever is lower, shall be
17 used until such time as all redevelopment project costs
18 have been paid.

19 (b) The real property equalized assessed valuation for
20 a school district shall be adjusted by subtracting from the
21 real property value as equalized or assessed by the
22 Department of Revenue for the district an amount computed
23 by dividing the amount of any abatement of taxes under
24 Section 18-170 of the Property Tax Code by 3.00% for a
25 district maintaining grades kindergarten through 12, by
26 2.30% for a district maintaining grades kindergarten

1 through 8, or by 1.05% for a district maintaining grades 9
2 through 12 and adjusted by an amount computed by dividing
3 the amount of any abatement of taxes under subsection (a)
4 of Section 18-165 of the Property Tax Code by the same
5 percentage rates for district type as specified in this
6 subparagraph (b).

7 (3) For the 1999-2000 school year and each school year
8 thereafter, if a school district meets all of the criteria of
9 this subsection (G) (3), the school district's Available Local
10 Resources shall be calculated under subsection (D) using the
11 district's Extension Limitation Equalized Assessed Valuation
12 as calculated under this subsection (G) (3).

13 For purposes of this subsection (G) (3) the following terms
14 shall have the following meanings:

15 "Budget Year": The school year for which general State
16 aid is calculated and awarded under subsection (E).

17 "Base Tax Year": The property tax levy year used to
18 calculate the Budget Year allocation of general State aid.

19 "Preceding Tax Year": The property tax levy year
20 immediately preceding the Base Tax Year.

21 "Base Tax Year's Tax Extension": The product of the
22 equalized assessed valuation utilized by the County Clerk
23 in the Base Tax Year multiplied by the limiting rate as
24 calculated by the County Clerk and defined in the Property
25 Tax Extension Limitation Law.

26 "Preceding Tax Year's Tax Extension": The product of

1 the equalized assessed valuation utilized by the County
2 Clerk in the Preceding Tax Year multiplied by the Operating
3 Tax Rate as defined in subsection (A).

4 "Extension Limitation Ratio": A numerical ratio,
5 certified by the County Clerk, in which the numerator is
6 the Base Tax Year's Tax Extension and the denominator is
7 the Preceding Tax Year's Tax Extension.

8 "Operating Tax Rate": The operating tax rate as defined
9 in subsection (A).

10 If a school district is subject to property tax extension
11 limitations as imposed under the Property Tax Extension
12 Limitation Law, the State Board of Education shall calculate
13 the Extension Limitation Equalized Assessed Valuation of that
14 district. For the 1999-2000 school year, the Extension
15 Limitation Equalized Assessed Valuation of a school district as
16 calculated by the State Board of Education shall be equal to
17 the product of the district's 1996 Equalized Assessed Valuation
18 and the district's Extension Limitation Ratio. Except as
19 otherwise provided in this paragraph for a school district that
20 has approved or does approve an increase in its limiting rate,
21 for the 2000-2001 school year and each school year thereafter,
22 the Extension Limitation Equalized Assessed Valuation of a
23 school district as calculated by the State Board of Education
24 shall be equal to the product of the Equalized Assessed
25 Valuation last used in the calculation of general State aid and
26 the district's Extension Limitation Ratio. If the Extension

1 Limitation Equalized Assessed Valuation of a school district as
2 calculated under this subsection (G)(3) is less than the
3 district's equalized assessed valuation as calculated pursuant
4 to subsections (G)(1) and (G)(2), then for purposes of
5 calculating the district's general State aid for the Budget
6 Year pursuant to subsection (E), that Extension Limitation
7 Equalized Assessed Valuation shall be utilized to calculate the
8 district's Available Local Resources under subsection (D). For
9 the 2009-2010 school year and each school year thereafter, if a
10 school district has approved or does approve an increase in its
11 limiting rate, pursuant to Section 18-190 of the Property Tax
12 Code, affecting the Base Tax Year, the Extension Limitation
13 Equalized Assessed Valuation of the school district, as
14 calculated by the State Board of Education, shall be equal to
15 the product of the Equalized Assessed Valuation last used in
16 the calculation of general State aid times an amount equal to
17 one plus the percentage increase, if any, in the Consumer Price
18 Index for all Urban Consumers for all items published by the
19 United States Department of Labor for the 12-month calendar
20 year preceding the Base Tax Year, plus the Equalized Assessed
21 Valuation of new property, annexed property, and recovered tax
22 increment value and minus the Equalized Assessed Valuation of
23 disconnected property. New property and recovered tax
24 increment value shall have the meanings set forth in the
25 Property Tax Extension Limitation Law.

26 Partial elementary unit districts created in accordance

1 with Article 11E of this Code shall not be eligible for the
2 adjustment in this subsection (G)(3) until the fifth year
3 following the effective date of the reorganization.

4 (3.5) For the 2010-2011 school year and each school year
5 thereafter, if a school district's boundaries span multiple
6 counties, then the Department of Revenue shall send to the
7 State Board of Education, for the purpose of calculating
8 general State aid, the limiting rate and individual rates by
9 purpose for the county that contains the majority of the school
10 district's Equalized Assessed Valuation.

11 (4) For the purposes of calculating general State aid for
12 the 1999-2000 school year only, if a school district
13 experienced a triennial reassessment on the equalized assessed
14 valuation used in calculating its general State financial aid
15 apportionment for the 1998-1999 school year, the State Board of
16 Education shall calculate the Extension Limitation Equalized
17 Assessed Valuation that would have been used to calculate the
18 district's 1998-1999 general State aid. This amount shall equal
19 the product of the equalized assessed valuation used to
20 calculate general State aid for the 1997-1998 school year and
21 the district's Extension Limitation Ratio. If the Extension
22 Limitation Equalized Assessed Valuation of the school district
23 as calculated under this paragraph (4) is less than the
24 district's equalized assessed valuation utilized in
25 calculating the district's 1998-1999 general State aid
26 allocation, then for purposes of calculating the district's

1 general State aid pursuant to paragraph (5) of subsection (E),
2 that Extension Limitation Equalized Assessed Valuation shall
3 be utilized to calculate the district's Available Local
4 Resources.

5 (5) For school districts having a majority of their
6 equalized assessed valuation in any county except Cook, DuPage,
7 Kane, Lake, McHenry, or Will, if the amount of general State
8 aid allocated to the school district for the 1999-2000 school
9 year under the provisions of subsection (E), (H), and (J) of
10 this Section is less than the amount of general State aid
11 allocated to the district for the 1998-1999 school year under
12 these subsections, then the general State aid of the district
13 for the 1999-2000 school year only shall be increased by the
14 difference between these amounts. The total payments made under
15 this paragraph (5) shall not exceed \$14,000,000. Claims shall
16 be prorated if they exceed \$14,000,000.

17 (H) Supplemental General State Aid.

18 (1) In addition to the general State aid a school district
19 is allotted pursuant to subsection (E), qualifying school
20 districts shall receive a grant, paid in conjunction with a
21 district's payments of general State aid, for supplemental
22 general State aid based upon the concentration level of
23 children from low-income households within the school
24 district. Supplemental State aid grants provided for school
25 districts under this subsection shall be appropriated for

1 distribution to school districts as part of the same line item
2 in which the general State financial aid of school districts is
3 appropriated under this Section.

4 (1.5) This paragraph (1.5) applies only to those school
5 years preceding the 2003-2004 school year. For purposes of this
6 subsection (H), the term "Low-Income Concentration Level"
7 shall be the low-income eligible pupil count from the most
8 recently available federal census divided by the Average Daily
9 Attendance of the school district. If, however, (i) the
10 percentage decrease from the 2 most recent federal censuses in
11 the low-income eligible pupil count of a high school district
12 with fewer than 400 students exceeds by 75% or more the
13 percentage change in the total low-income eligible pupil count
14 of contiguous elementary school districts, whose boundaries
15 are coterminous with the high school district, or (ii) a high
16 school district within 2 counties and serving 5 elementary
17 school districts, whose boundaries are coterminous with the
18 high school district, has a percentage decrease from the 2 most
19 recent federal censuses in the low-income eligible pupil count
20 and there is a percentage increase in the total low-income
21 eligible pupil count of a majority of the elementary school
22 districts in excess of 50% from the 2 most recent federal
23 censuses, then the high school district's low-income eligible
24 pupil count from the earlier federal census shall be the number
25 used as the low-income eligible pupil count for the high school
26 district, for purposes of this subsection (H). The changes made

1 to this paragraph (1) by Public Act 92-28 shall apply to
2 supplemental general State aid grants for school years
3 preceding the 2003-2004 school year that are paid in fiscal
4 year 1999 or thereafter and to any State aid payments made in
5 fiscal year 1994 through fiscal year 1998 pursuant to
6 subsection 1(n) of Section 18-8 of this Code (which was
7 repealed on July 1, 1998), and any high school district that is
8 affected by Public Act 92-28 is entitled to a recomputation of
9 its supplemental general State aid grant or State aid paid in
10 any of those fiscal years. This recomputation shall not be
11 affected by any other funding.

12 (1.10) This paragraph (1.10) applies to the 2003-2004
13 school year and each school year thereafter through the
14 2016-2017 school year. For purposes of this subsection (H), the
15 term "Low-Income Concentration Level" shall, for each fiscal
16 year, be the low-income eligible pupil count as of July 1 of
17 the immediately preceding fiscal year (as determined by the
18 Department of Human Services based on the number of pupils who
19 are eligible for at least one of the following low income
20 programs: Medicaid, the Children's Health Insurance Program,
21 TANF, or Food Stamps, excluding pupils who are eligible for
22 services provided by the Department of Children and Family
23 Services, averaged over the 2 immediately preceding fiscal
24 years for fiscal year 2004 and over the 3 immediately preceding
25 fiscal years for each fiscal year thereafter) divided by the
26 Average Daily Attendance of the school district.

1 (2) Supplemental general State aid pursuant to this
2 subsection (H) shall be provided as follows for the 1998-1999,
3 1999-2000, and 2000-2001 school years only:

4 (a) For any school district with a Low Income
5 Concentration Level of at least 20% and less than 35%, the
6 grant for any school year shall be \$800 multiplied by the
7 low income eligible pupil count.

8 (b) For any school district with a Low Income
9 Concentration Level of at least 35% and less than 50%, the
10 grant for the 1998-1999 school year shall be \$1,100
11 multiplied by the low income eligible pupil count.

12 (c) For any school district with a Low Income
13 Concentration Level of at least 50% and less than 60%, the
14 grant for the 1998-99 school year shall be \$1,500
15 multiplied by the low income eligible pupil count.

16 (d) For any school district with a Low Income
17 Concentration Level of 60% or more, the grant for the
18 1998-99 school year shall be \$1,900 multiplied by the low
19 income eligible pupil count.

20 (e) For the 1999-2000 school year, the per pupil amount
21 specified in subparagraphs (b), (c), and (d) immediately
22 above shall be increased to \$1,243, \$1,600, and \$2,000,
23 respectively.

24 (f) For the 2000-2001 school year, the per pupil
25 amounts specified in subparagraphs (b), (c), and (d)
26 immediately above shall be \$1,273, \$1,640, and \$2,050,

1 respectively.

2 (2.5) Supplemental general State aid pursuant to this
3 subsection (H) shall be provided as follows for the 2002-2003
4 school year:

5 (a) For any school district with a Low Income
6 Concentration Level of less than 10%, the grant for each
7 school year shall be \$355 multiplied by the low income
8 eligible pupil count.

9 (b) For any school district with a Low Income
10 Concentration Level of at least 10% and less than 20%, the
11 grant for each school year shall be \$675 multiplied by the
12 low income eligible pupil count.

13 (c) For any school district with a Low Income
14 Concentration Level of at least 20% and less than 35%, the
15 grant for each school year shall be \$1,330 multiplied by
16 the low income eligible pupil count.

17 (d) For any school district with a Low Income
18 Concentration Level of at least 35% and less than 50%, the
19 grant for each school year shall be \$1,362 multiplied by
20 the low income eligible pupil count.

21 (e) For any school district with a Low Income
22 Concentration Level of at least 50% and less than 60%, the
23 grant for each school year shall be \$1,680 multiplied by
24 the low income eligible pupil count.

25 (f) For any school district with a Low Income
26 Concentration Level of 60% or more, the grant for each

1 school year shall be \$2,080 multiplied by the low income
2 eligible pupil count.

3 (2.10) Except as otherwise provided, supplemental general
4 State aid pursuant to this subsection (H) shall be provided as
5 follows for the 2003-2004 school year and each school year
6 thereafter:

7 (a) For any school district with a Low Income
8 Concentration Level of 15% or less, the grant for each
9 school year shall be \$355 multiplied by the low income
10 eligible pupil count.

11 (b) For any school district with a Low Income
12 Concentration Level greater than 15%, the grant for each
13 school year shall be \$294.25 added to the product of \$2,700
14 and the square of the Low Income Concentration Level, all
15 multiplied by the low income eligible pupil count.

16 For the 2003-2004 school year and each school year
17 thereafter through the 2008-2009 school year only, the grant
18 shall be no less than the grant for the 2002-2003 school year.
19 For the 2009-2010 school year only, the grant shall be no less
20 than the grant for the 2002-2003 school year multiplied by
21 0.66. For the 2010-2011 school year only, the grant shall be no
22 less than the grant for the 2002-2003 school year multiplied by
23 0.33. Notwithstanding the provisions of this paragraph to the
24 contrary, if for any school year supplemental general State aid
25 grants are prorated as provided in paragraph (1) of this
26 subsection (H), then the grants under this paragraph shall be

1 prorated.

2 For the 2003-2004 school year only, the grant shall be no
3 greater than the grant received during the 2002-2003 school
4 year added to the product of 0.25 multiplied by the difference
5 between the grant amount calculated under subsection (a) or (b)
6 of this paragraph (2.10), whichever is applicable, and the
7 grant received during the 2002-2003 school year. For the
8 2004-2005 school year only, the grant shall be no greater than
9 the grant received during the 2002-2003 school year added to
10 the product of 0.50 multiplied by the difference between the
11 grant amount calculated under subsection (a) or (b) of this
12 paragraph (2.10), whichever is applicable, and the grant
13 received during the 2002-2003 school year. For the 2005-2006
14 school year only, the grant shall be no greater than the grant
15 received during the 2002-2003 school year added to the product
16 of 0.75 multiplied by the difference between the grant amount
17 calculated under subsection (a) or (b) of this paragraph
18 (2.10), whichever is applicable, and the grant received during
19 the 2002-2003 school year.

20 (3) School districts with an Average Daily Attendance of
21 more than 1,000 and less than 50,000 that qualify for
22 supplemental general State aid pursuant to this subsection
23 shall submit a plan to the State Board of Education prior to
24 October 30 of each year for the use of the funds resulting from
25 this grant of supplemental general State aid for the
26 improvement of instruction in which priority is given to

1 meeting the education needs of disadvantaged children. Such
2 plan shall be submitted in accordance with rules and
3 regulations promulgated by the State Board of Education.

4 (4) School districts with an Average Daily Attendance of
5 50,000 or more that qualify for supplemental general State aid
6 pursuant to this subsection shall be required to distribute
7 from funds available pursuant to this Section, no less than
8 \$261,000,000 in accordance with the following requirements:

9 (a) The required amounts shall be distributed to the
10 attendance centers within the district in proportion to the
11 number of pupils enrolled at each attendance center who are
12 eligible to receive free or reduced-price lunches or
13 breakfasts under the federal Child Nutrition Act of 1966
14 and under the National School Lunch Act during the
15 immediately preceding school year.

16 (b) The distribution of these portions of supplemental
17 and general State aid among attendance centers according to
18 these requirements shall not be compensated for or
19 contravened by adjustments of the total of other funds
20 appropriated to any attendance centers, and the Board of
21 Education shall utilize funding from one or several sources
22 in order to fully implement this provision annually prior
23 to the opening of school.

24 (c) Each attendance center shall be provided by the
25 school district a distribution of noncategorical funds and
26 other categorical funds to which an attendance center is

1 entitled under law in order that the general State aid and
2 supplemental general State aid provided by application of
3 this subsection supplements rather than supplants the
4 noncategorical funds and other categorical funds provided
5 by the school district to the attendance centers.

6 (d) Any funds made available under this subsection that
7 by reason of the provisions of this subsection are not
8 required to be allocated and provided to attendance centers
9 may be used and appropriated by the board of the district
10 for any lawful school purpose.

11 (e) Funds received by an attendance center pursuant to
12 this subsection shall be used by the attendance center at
13 the discretion of the principal and local school council
14 for programs to improve educational opportunities at
15 qualifying schools through the following programs and
16 services: early childhood education, reduced class size or
17 improved adult to student classroom ratio, enrichment
18 programs, remedial assistance, attendance improvement, and
19 other educationally beneficial expenditures which
20 supplement the regular and basic programs as determined by
21 the State Board of Education. Funds provided shall not be
22 expended for any political or lobbying purposes as defined
23 by board rule.

24 (f) Each district subject to the provisions of this
25 subdivision (H) (4) shall submit an acceptable plan to meet
26 the educational needs of disadvantaged children, in

1 compliance with the requirements of this paragraph, to the
2 State Board of Education prior to July 15 of each year.
3 This plan shall be consistent with the decisions of local
4 school councils concerning the school expenditure plans
5 developed in accordance with part 4 of Section 34-2.3. The
6 State Board shall approve or reject the plan within 60 days
7 after its submission. If the plan is rejected, the district
8 shall give written notice of intent to modify the plan
9 within 15 days of the notification of rejection and then
10 submit a modified plan within 30 days after the date of the
11 written notice of intent to modify. Districts may amend
12 approved plans pursuant to rules promulgated by the State
13 Board of Education.

14 Upon notification by the State Board of Education that
15 the district has not submitted a plan prior to July 15 or a
16 modified plan within the time period specified herein, the
17 State aid funds affected by that plan or modified plan
18 shall be withheld by the State Board of Education until a
19 plan or modified plan is submitted.

20 If the district fails to distribute State aid to
21 attendance centers in accordance with an approved plan, the
22 plan for the following year shall allocate funds, in
23 addition to the funds otherwise required by this
24 subsection, to those attendance centers which were
25 underfunded during the previous year in amounts equal to
26 such underfunding.

1 For purposes of determining compliance with this
2 subsection in relation to the requirements of attendance
3 center funding, each district subject to the provisions of
4 this subsection shall submit as a separate document by
5 December 1 of each year a report of expenditure data for
6 the prior year in addition to any modification of its
7 current plan. If it is determined that there has been a
8 failure to comply with the expenditure provisions of this
9 subsection regarding contravention or supplanting, the
10 State Superintendent of Education shall, within 60 days of
11 receipt of the report, notify the district and any affected
12 local school council. The district shall within 45 days of
13 receipt of that notification inform the State
14 Superintendent of Education of the remedial or corrective
15 action to be taken, whether by amendment of the current
16 plan, if feasible, or by adjustment in the plan for the
17 following year. Failure to provide the expenditure report
18 or the notification of remedial or corrective action in a
19 timely manner shall result in a withholding of the affected
20 funds.

21 The State Board of Education shall promulgate rules and
22 regulations to implement the provisions of this
23 subsection. No funds shall be released under this
24 subdivision (H) (4) to any district that has not submitted a
25 plan that has been approved by the State Board of
26 Education.

1 (I) (Blank).

2 (J) (Blank).

3 (K) Grants to Laboratory and Alternative Schools.

4 In calculating the amount to be paid to the governing board
5 of a public university that operates a laboratory school under
6 this Section or to any alternative school that is operated by a
7 regional superintendent of schools, the State Board of
8 Education shall require by rule such reporting requirements as
9 it deems necessary.

10 As used in this Section, "laboratory school" means a public
11 school which is created and operated by a public university and
12 approved by the State Board of Education. The governing board
13 of a public university which receives funds from the State
14 Board under this subsection (K) or subsection (g) of Section
15 18-8.15 of this Code may not increase the number of students
16 enrolled in its laboratory school from a single district, if
17 that district is already sending 50 or more students, except
18 under a mutual agreement between the school board of a
19 student's district of residence and the university which
20 operates the laboratory school. A laboratory school may not
21 have more than 1,000 students, excluding students with
22 disabilities in a special education program.

23 As used in this Section, "alternative school" means a

1 public school which is created and operated by a Regional
2 Superintendent of Schools and approved by the State Board of
3 Education. Such alternative schools may offer courses of
4 instruction for which credit is given in regular school
5 programs, courses to prepare students for the high school
6 equivalency testing program or vocational and occupational
7 training. A regional superintendent of schools may contract
8 with a school district or a public community college district
9 to operate an alternative school. An alternative school serving
10 more than one educational service region may be established by
11 the regional superintendents of schools of the affected
12 educational service regions. An alternative school serving
13 more than one educational service region may be operated under
14 such terms as the regional superintendents of schools of those
15 educational service regions may agree.

16 Each laboratory and alternative school shall file, on forms
17 provided by the State Superintendent of Education, an annual
18 State aid claim which states the Average Daily Attendance of
19 the school's students by month. The best 3 months' Average
20 Daily Attendance shall be computed for each school. The general
21 State aid entitlement shall be computed by multiplying the
22 applicable Average Daily Attendance by the Foundation Level as
23 determined under this Section.

24 (L) Payments, Additional Grants in Aid and Other Requirements.

25 (1) For a school district operating under the financial

1 supervision of an Authority created under Article 34A, the
2 general State aid otherwise payable to that district under this
3 Section, but not the supplemental general State aid, shall be
4 reduced by an amount equal to the budget for the operations of
5 the Authority as certified by the Authority to the State Board
6 of Education, and an amount equal to such reduction shall be
7 paid to the Authority created for such district for its
8 operating expenses in the manner provided in Section 18-11. The
9 remainder of general State school aid for any such district
10 shall be paid in accordance with Article 34A when that Article
11 provides for a disposition other than that provided by this
12 Article.

13 (2) (Blank).

14 (3) Summer school. Summer school payments shall be made as
15 provided in Section 18-4.3.

16 (M) (Blank). ~~Education Funding Advisory Board.~~

17 ~~The Education Funding Advisory Board, hereinafter in this~~
18 ~~subsection (M) referred to as the "Board", is hereby created.~~
19 ~~The Board shall consist of 5 members who are appointed by the~~
20 ~~Governor, by and with the advice and consent of the Senate. The~~
21 ~~members appointed shall include representatives of education,~~
22 ~~business, and the general public. One of the members so~~
23 ~~appointed shall be designated by the Governor at the time the~~
24 ~~appointment is made as the chairperson of the Board. The~~
25 ~~initial members of the Board may be appointed any time after~~

1 ~~the effective date of this amendatory Act of 1997. The regular~~
2 ~~term of each member of the Board shall be for 4 years from the~~
3 ~~third Monday of January of the year in which the term of the~~
4 ~~member's appointment is to commence, except that of the 5~~
5 ~~initial members appointed to serve on the Board, the member who~~
6 ~~is appointed as the chairperson shall serve for a term that~~
7 ~~commences on the date of his or her appointment and expires on~~
8 ~~the third Monday of January, 2002, and the remaining 4 members,~~
9 ~~by lots drawn at the first meeting of the Board that is held~~
10 ~~after all 5 members are appointed, shall determine 2 of their~~
11 ~~number to serve for terms that commence on the date of their~~
12 ~~respective appointments and expire on the third Monday of~~
13 ~~January, 2001, and 2 of their number to serve for terms that~~
14 ~~commence on the date of their respective appointments and~~
15 ~~expire on the third Monday of January, 2000. All members~~
16 ~~appointed to serve on the Board shall serve until their~~
17 ~~respective successors are appointed and confirmed. Vacancies~~
18 ~~shall be filled in the same manner as original appointments. If~~
19 ~~a vacancy in membership occurs at a time when the Senate is not~~
20 ~~in session, the Governor shall make a temporary appointment~~
21 ~~until the next meeting of the Senate, when he or she shall~~
22 ~~appoint, by and with the advice and consent of the Senate, a~~
23 ~~person to fill that membership for the unexpired term. If the~~
24 ~~Senate is not in session when the initial appointments are~~
25 ~~made, those appointments shall be made as in the case of~~
26 ~~vacancies.~~

1 ~~The Education Funding Advisory Board shall be deemed~~
2 ~~established, and the initial members appointed by the Governor~~
3 ~~to serve as members of the Board shall take office, on the date~~
4 ~~that the Governor makes his or her appointment of the fifth~~
5 ~~initial member of the Board, whether those initial members are~~
6 ~~then serving pursuant to appointment and confirmation or~~
7 ~~pursuant to temporary appointments that are made by the~~
8 ~~Governor as in the case of vacancies.~~

9 ~~The State Board of Education shall provide such staff~~
10 ~~assistance to the Education Funding Advisory Board as is~~
11 ~~reasonably required for the proper performance by the Board of~~
12 ~~its responsibilities.~~

13 ~~For school years after the 2000-2001 school year, the~~
14 ~~Education Funding Advisory Board, in consultation with the~~
15 ~~State Board of Education, shall make recommendations as~~
16 ~~provided in this subsection (M) to the General Assembly for the~~
17 ~~foundation level under subdivision (B) (3) of this Section and~~
18 ~~for the supplemental general State aid grant level under~~
19 ~~subsection (H) of this Section for districts with high~~
20 ~~concentrations of children from poverty. The recommended~~
21 ~~foundation level shall be determined based on a methodology~~
22 ~~which incorporates the basic education expenditures of~~
23 ~~low spending schools exhibiting high academic performance. The~~
24 ~~Education Funding Advisory Board shall make such~~
25 ~~recommendations to the General Assembly on January 1 of odd~~
26 ~~numbered years, beginning January 1, 2001.~~

1 (N) (Blank).

2 (O) References.

3 (1) References in other laws to the various subdivisions of
4 Section 18-8 as that Section existed before its repeal and
5 replacement by this Section 18-8.05 shall be deemed to refer to
6 the corresponding provisions of this Section 18-8.05, to the
7 extent that those references remain applicable.

8 (2) References in other laws to State Chapter 1 funds shall
9 be deemed to refer to the supplemental general State aid
10 provided under subsection (H) of this Section.

11 (P) Public Act 93-838 and Public Act 93-808 make inconsistent
12 changes to this Section. Under Section 6 of the Statute on
13 Statutes there is an irreconcilable conflict between Public Act
14 93-808 and Public Act 93-838. Public Act 93-838, being the last
15 acted upon, is controlling. The text of Public Act 93-838 is
16 the law regardless of the text of Public Act 93-808.

17 (Q) State Fiscal Year 2015 Payments.

18 For payments made for State fiscal year 2015, the State
19 Board of Education shall, for each school district, calculate
20 that district's pro-rata share of a minimum sum of \$13,600,000
21 or additional amounts as needed from the total net General
22 State Aid funding as calculated under this Section that shall

1 be deemed attributable to the provision of special educational
2 facilities and services, as defined in Section 14-1.08 of this
3 Code, in a manner that ensures compliance with maintenance of
4 State financial support requirements under the federal
5 Individuals with Disabilities Education Act. Each school
6 district must use such funds only for the provision of special
7 educational facilities and services, as defined in Section
8 14-1.08 of this Code, and must comply with any expenditure
9 verification procedures adopted by the State Board of
10 Education.

11 (R) State Fiscal Year 2016 Payments.

12 For payments made for State fiscal year 2016, the State
13 Board of Education shall, for each school district, calculate
14 that district's pro rata share of a minimum sum of \$1 or
15 additional amounts as needed from the total net General State
16 Aid funding as calculated under this Section that shall be
17 deemed attributable to the provision of special educational
18 facilities and services, as defined in Section 14-1.08 of this
19 Code, in a manner that ensures compliance with maintenance of
20 State financial support requirements under the federal
21 Individuals with Disabilities Education Act. Each school
22 district must use such funds only for the provision of special
23 educational facilities and services, as defined in Section
24 14-1.08 of this Code, and must comply with any expenditure
25 verification procedures adopted by the State Board of

1 Education.

2 (Source: P.A. 98-972, eff. 8-15-14; 99-2, eff. 3-26-15; 99-194,
3 eff. 7-30-15; 99-523, eff. 6-30-16.)

4 (105 ILCS 5/18-8.10)

5 Sec. 18-8.10. Fast growth grants.

6 (a) If there has been an increase in a school district's
7 student population over the most recent 2 school years of (i)
8 over 1.5% in a district with over 10,000 pupils in average
9 daily attendance (as defined in Section 18-8.05 or 18-8.15 of
10 this Code) or (ii) over 7.5% in any other district, then the
11 district is eligible for a grant under this Section, subject to
12 appropriation.

13 (b) The State Board of Education shall determine a per
14 pupil grant amount for each school district. The total grant
15 amount for a district for any given school year shall equal the
16 per pupil grant amount multiplied by the difference between the
17 number of pupils in average daily attendance for the 2 most
18 recent school years.

19 (c) Funds for grants under this Section must be
20 appropriated to the State Board of Education in a separate line
21 item for this purpose. If the amount appropriated in any fiscal
22 year is insufficient to pay all grants for a school year, then
23 the amount appropriated shall be prorated among eligible
24 districts. As soon as possible after funds have been
25 appropriated to the State Board of Education, the State Board

1 of Education shall distribute the grants to eligible districts.

2 (d) If a school district intentionally reports incorrect
3 average daily attendance numbers to receive a grant under this
4 Section, then the district shall be denied State aid in the
5 same manner as State aid is denied for intentional incorrect
6 reporting of average daily attendance numbers under Section
7 18-8.05 or 18-8.15 of this Code.

8 (Source: P.A. 93-1042, eff. 10-8-04.)

9 (105 ILCS 5/18-8.15 new)

10 Sec. 18-8.15. Evidence-based funding for student success
11 for the 2017-2018 and subsequent school years.

12 (a) General provisions.

13 (1) The purpose of this Section is to ensure that, by June
14 30, 2027 and beyond, this State has a kindergarten through
15 grade 12 public education system with the capacity to ensure
16 the educational development of all persons to the limits of
17 their capacities in accordance with Section 1 of Article X of
18 the Constitution of the State of Illinois. To accomplish that
19 objective, this Section creates a method of funding public
20 education that is evidence-based; is sufficient to ensure every
21 student receives a meaningful opportunity to learn
22 irrespective of race, ethnicity, sexual orientation, gender,
23 or community-income level; and is sustainable and predictable.
24 When fully funded under this Section, every school shall have
25 the resources, based on what the evidence indicates is needed,

1 to:

2 (A) provide all students with a high quality education
3 that offers the academic, enrichment, social and emotional
4 support, technical, and career-focused programs that will
5 allow them to become competitive workers, responsible
6 parents, productive citizens of this State, and active
7 members of our national democracy;

8 (B) ensure all students receive the education they need
9 to graduate from high school with the skills required to
10 pursue post-secondary education and training for a
11 rewarding career;

12 (C) reduce, with a goal of eliminating, the achievement
13 gap between at-risk and non-at-risk students by raising the
14 performance of at-risk students and not by reducing
15 standards; and

16 (D) ensure this State satisfies its obligation to
17 assume the primary responsibility to fund public education
18 and simultaneously relieve the disproportionate burden
19 placed on local property taxes to fund schools.

20 (2) The evidence-based funding formula under this Section
21 shall be applied to all Organizational Units in this State. As
22 further defined and described in this Section, there are 4
23 major components of the evidence-based funding model:

24 (A) First, the model calculates a unique adequacy
25 target for each Organizational Unit in this State that
26 considers the costs to implement research-based

1 activities, the unit's student demographics, and regional
2 wage difference.

3 (B) Second, the model calculates each Organizational
4 Unit's local capacity, or the amount each Organizational
5 Unit is assumed to contribute towards its adequacy target
6 from local resources.

7 (C) Third, the model calculates how much funding the
8 State currently contributes to the Organizational Unit,
9 and adds that to the unit's local capacity to determine the
10 unit's overall current adequacy of funding.

11 (D) Finally, the model's distribution method allocates
12 new State funding to those Organizational Units that are
13 least well-funded, considering both local capacity and
14 State funding, in relation to their adequacy target.

15 (3) An Organizational Unit receiving any funding under this
16 Section may apply those funds to any fund so received for which
17 that Organizational Unit is authorized to make expenditures by
18 law.

19 (4) As used in this Section, the following terms shall have
20 the meanings ascribed in this paragraph (4):

21 "Adequacy Target" is defined in paragraph (1) of subsection
22 (b) of this Section.

23 "Adjusted EAV" is defined in paragraph (4) of subsection
24 (d) of this Section.

25 "Adjusted Local Capacity Target" is defined in paragraph
26 (3) of subsection (c) of this Section.

1 "Allocation Rate" is defined in paragraph (3) of subsection
2 (g) of this Section.

3 "Alternative School" means a public school that is created
4 and operated by a regional superintendent of schools and
5 approved by the State Board.

6 "Applicable Tax Rate" is defined in paragraph (1) of
7 subsection (d) of this Section.

8 "Assessment" means any of those benchmark, progress
9 monitoring, formative, diagnostic, and other assessments, in
10 addition to the State accountability assessment, that assist
11 teachers' needs in understanding the skills and meeting the
12 needs of the students they serve.

13 "Assistant principal" means a school administrator duly
14 endorsed to be employed as an assistant principal in this
15 State.

16 "At-risk student" means a student who is at risk of not
17 meeting the Illinois Learning Standards or not graduating from
18 elementary or high school and who demonstrates a need for
19 vocational support or social services beyond that provided by
20 the regular school program. All students included in an
21 Organizational Unit's Low-Income Count, as well as all EL and
22 disabled students attending the Organizational Unit, shall be
23 considered at-risk students under this Section.

24 "Average Student Enrollment" or "ASE" means, for an
25 Organizational Unit in a given school year, the greater of the
26 average number of students (grades K through 12) reported to

1 the State Board as enrolled in the Organizational Unit on
2 October 1 and March 1, plus the special education
3 pre-kindergarten students with services of at least more than 2
4 hours a day as reported to the State Board on December 1, in
5 the immediately preceding school year or the average number of
6 students (grades K through 12) reported to the State Board as
7 enrolled in the Organizational Unit on October 1 and March 1,
8 plus the special education pre-kindergarten students with
9 services of at least more than 2 hours a day as reported to the
10 State Board on December 1, for each of the immediately
11 preceding 3 school years. For the purposes of this definition,
12 "enrolled in the Organizational Unit" means the number of
13 students reported to the State Board who are enrolled in
14 schools within the Organizational Unit that the student attends
15 or would attend if not placed or transferred to another school
16 or program to receive needed services. For the purposes of
17 calculating "ASE", all students, grades K through 12, including
18 those attending kindergarten for a half day, shall be counted
19 as 1.0. Special education pre-kindergarten students shall be
20 counted as 0.5 each. If the State Board does not collect or has
21 not collected both an October 1 and March 1 enrollment count by
22 grade or a December 1 collection of special education
23 pre-kindergarten students as of the effective date of this
24 amendatory Act of the 100th General Assembly, it shall
25 establish such collection for all future years. For any year
26 where a count by grade level was collected only once, that

1 count shall be used as the single count available for computing
2 a 3-year average ASE. School districts shall submit the data
3 for the ASE calculation to the State Board within 45 days of
4 the dates required in this Section for submission of enrollment
5 data in order for it to be included in the ASE calculation.

6 "Base Funding Guarantee" is defined in paragraph (7) of
7 subsection (g) of this Section.

8 "Base Funding Minimum" is defined in subsection (e) of this
9 Section.

10 "Base Tax Year" means the property tax levy year used to
11 calculate the Budget Year allocation of primary State aid.

12 "Base Tax Year's Extension" means the product of the
13 equalized assessed valuation utilized by the county clerk in
14 the Base Tax Year multiplied by the limiting rate as calculated
15 by the county clerk and defined in PTELL.

16 "Budget Year" means the school year for which primary State
17 aid is calculated and awarded under this Section.

18 "Central office" means individual administrators and
19 support service personnel charged with managing the
20 instructional programs, business and operations, and security
21 of the Organizational Unit.

22 "Comparable Wage Index" or "CWI" means a regional cost
23 differentiation metric that measures systemic, regional
24 variations in the salaries of college graduates who are not
25 educators. The CWI utilized for this Section shall, for the
26 first 3 years of Evidence-Based Funding implementation, be the

1 CWI initially developed by the National Center for Education
2 Statistics, as most recently updated by Texas A & M University.
3 In the fourth and subsequent years of Evidence-Based Funding
4 implementation, the State Superintendent shall re-determine
5 the CWI using a similar methodology to that identified in the
6 Texas A & M University study, with adjustments made no less
7 frequently than once every 5 years.

8 "Computer technology and equipment" means computers
9 servers, notebooks, network equipment, copiers, printers,
10 instructional software, security software, curriculum
11 management courseware, and other similar materials and
12 equipment.

13 "Core subject" means mathematics; science; reading,
14 English, writing, and language arts; history and social
15 studies; world languages; and subjects taught as Advanced
16 Placement in high schools.

17 "Core teacher" means a regular classroom teacher in
18 elementary schools and teachers of a core subject in middle and
19 high schools.

20 "Core Intervention teacher (tutor)" means a licensed
21 teacher providing one-on-one or small group tutoring to
22 students struggling to meet proficiency in core subjects.

23 "CPPRT" means corporate personal property replacement tax
24 funds paid to an Organizational Unit during the calendar year
25 one year before the calendar year in which a school year
26 begins, pursuant to "An Act in relation to the abolition of ad

1 valorem personal property tax and the replacement of revenues
2 lost thereby, and amending and repealing certain Acts and parts
3 of Acts in connection therewith", certified August 14, 1979, as
4 amended (Public Act 81-1st S.S.-1).

5 "EAV" means equalized assessed valuation as defined in
6 paragraph (2) of subsection (d) of this Section and calculated
7 in accordance with paragraph (3) of subsection (d) of this
8 Section.

9 "ECI" means the Bureau of Labor Statistics' national
10 employment cost index for civilian workers in educational
11 services in elementary and secondary schools on a cumulative
12 basis for the 12-month calendar year preceding the fiscal year
13 of the Evidence-Based Funding calculation.

14 "EIS Data" means the employment information system data
15 maintained by the State Board on educators within
16 Organizational Units.

17 "Employee benefits" means health, dental, and vision
18 insurance offered to employees of an Organizational Unit, the
19 costs associated with statutorily required payment of the
20 normal cost of the Organizational Unit's teacher pensions,
21 Social Security employer contributions, and Illinois Municipal
22 Retirement Fund employer contributions.

23 "English learner" or "EL" means a child included in the
24 definition of "English learners" under Section 14C-2 of this
25 Code participating in a program of transitional bilingual
26 education or a transitional program of instruction meeting the

1 requirements and program application procedures of Article 14C
2 of this Code. For the purposes of collecting the number of EL
3 students enrolled, the same collection and calculation
4 methodology as defined above for "ASE" shall apply to English
5 learners.

6 "Essential Elements" means those elements, resources, and
7 educational programs that have been identified through
8 academic research as necessary to improve student success,
9 improve academic performance, close achievement gaps, and
10 provide for other per student costs related to the delivery and
11 leadership of the Organizational Unit, as well as the
12 maintenance and operations of the unit, and which are specified
13 in paragraph (2) of subsection (b) of this Section.

14 "Evidence-Based Funding" means State funding provided to
15 an Organizational Unit pursuant to this Section.

16 "Extended day" means academic and enrichment programs
17 provided to students outside the regular school day before and
18 after school or during non-instructional times during the
19 school day.

20 "Extension Limitation Ratio" means a numerical ratio in
21 which the numerator is the Base Tax Year's Extension and the
22 denominator is the Preceding Tax Year's Extension.

23 "Final Percent of Adequacy" is defined in paragraph (4) of
24 subsection (f) of this Section.

25 "Final Resources" is defined in paragraph (3) of subsection
26 (f) of this Section.

1 "Full-time equivalent" or "FTE" means the full-time
2 equivalency compensation for staffing the relevant position at
3 an Organizational Unit.

4 "Funding Gap" is defined in paragraph (1) of subsection
5 (g).

6 "Guidance counselor" means a licensed guidance counselor
7 who provides guidance and counseling support for students
8 within an Organizational Unit.

9 "Hybrid District" means a partial elementary unit district
10 created pursuant to Article 11E of this Code.

11 "Instructional assistant" means a core or special
12 education, non-licensed employee who assists a teacher in the
13 classroom and provides academic support to students.

14 "Instructional facilitator" means a qualified teacher or
15 licensed teacher leader who facilitates and coaches continuous
16 improvement in classroom instruction; provides instructional
17 support to teachers in the elements of research-based
18 instruction or demonstrates the alignment of instruction with
19 curriculum standards and assessment tools; develops or
20 coordinates instructional programs or strategies; develops and
21 implements training; chooses standards-based instructional
22 materials; provides teachers with an understanding of current
23 research; serves as a mentor, site coach, curriculum
24 specialist, or lead teacher; or otherwise works with fellow
25 teachers, in collaboration, to use data to improve
26 instructional practice or develop model lessons.

1 "Instructional materials" means relevant instructional
2 materials for student instruction, including, but not limited
3 to, textbooks, consumable workbooks, laboratory equipment,
4 library books, and other similar materials.

5 "Laboratory School" means a public school that is created
6 and operated by a public university and approved by the State
7 Board.

8 "Librarian" means a teacher with an endorsement as a
9 library information specialist or another individual whose
10 primary responsibility is overseeing library resources within
11 an Organizational Unit.

12 "Local Capacity" is defined in paragraph (1) of subsection
13 (c) of this Section.

14 "Local Capacity Percentage" is defined in subparagraph (A)
15 of paragraph (2) of subsection (c) of this Section.

16 "Local Capacity Ratio" is defined in subparagraph (B) of
17 paragraph (2) of subsection (c) of this Section.

18 "Local Capacity Target" is defined in paragraph (2) of
19 subsection (c) of this Section.

20 "Low-Income Count" means, for an Organizational Unit in a
21 fiscal year, the higher of the average number of students for
22 the prior school year or the immediately preceding 3 school
23 years who, as of July 1 of the immediately preceding fiscal
24 year (as determined by the Department of Human Services), are
25 eligible for at least one of the following low income programs:
26 Medicaid, the Children's Health Insurance Program, TANF, or

1 Food Stamps, excluding pupils who are eligible for services
2 provided by the Department of Children and Family Services.
3 Until such time that grade level low-income populations become
4 available, grade level low-income populations shall be
5 determined by applying the low-income percentage to total
6 student enrollments by grade level. The low-income percentage
7 is determined by dividing the Low-Income Count by the Average
8 Student Enrollment.

9 "Maintenance and operations" means custodial services,
10 facility and ground maintenance, facility operations, facility
11 security, routine facility repairs, and other similar services
12 and functions.

13 "Minimum Funding Level" is defined in paragraph (6) of
14 subsection (g) of this Section.

15 "New State Funds" means, for a given school year, all State
16 funds appropriated for Evidence-Based Funding in excess of the
17 amount needed to fund the Base Funding Minimum for all
18 Organizational Units in that school year.

19 "Net State Contribution Target" means, for a given school
20 year, the amount of State funds that would be necessary to
21 fully meet the Adequacy Target of an Operational Unit minus the
22 Preliminary Resources available to each unit.

23 "Nurse" means an individual licensed as a certified school
24 nurse, in accordance with the rules established for nursing
25 services by the State Board, who is an employee of and is
26 available to provide health care-related services for students

1 of an Organizational Unit.

2 "Operating Tax Rate" means the rate utilized in the
3 previous year to extend property taxes for all purposes,
4 except, Bond and Interest, Summer School, Rent, Capital
5 Improvement, and Vocational Education Building purposes. For
6 Hybrid Districts, the Operating Tax Rate shall be the combined
7 elementary and high school rates utilized in the previous year
8 to extend property taxes for all purposes, except, Bond and
9 Interest, Summer School, Rent, Capital Improvement, and
10 Vocational Education Building purposes. For all Organizational
11 Units, the State Superintendent shall calculate and subtract
12 from the Operating Tax Rate a transportation rate based on
13 total expenses for transportation services under this Code, as
14 reported on the most recent Annual Financial Report in Pupil
15 Transportation Services, function 2550 in both the Education
16 and Transportation funds and functions 4110 and 4120 in the
17 Transportation fund, less any corresponding fiscal year State
18 of Illinois scheduled payments excluding net adjustments for
19 prior years for regular, vocational, or special education
20 transportation reimbursement pursuant to Section 29-5 or
21 subsection (b) of Section 14-13.01 of this Code divided by the
22 Adjusted EAV. If an Organizational Unit's corresponding fiscal
23 year State of Illinois scheduled payments excluding net
24 adjustments for prior years for regular, vocational, or special
25 education transportation reimbursement pursuant to Section
26 29-5 or subsection (b) of Section 14-13.01 of this Code exceed

1 the total transportation expenses, as defined in this
2 paragraph, no transportation rate shall be subtracted from the
3 Operating Tax Rate.

4 "Organizational Unit" means a Laboratory School, an
5 Alternative School, or any public school district that is
6 recognized as such by the State Board and that contains
7 elementary schools typically serving kindergarten through 5th
8 grades, middle schools typically serving 6th through 8th
9 grades, or high schools typically serving 9th through 12th
10 grades. The General Assembly acknowledges that the actual grade
11 levels served by a particular Organizational Unit may vary
12 slightly from what is typical.

13 "Organizational Unit CWI" is determined by calculating the
14 CWI in the region and original county in which an
15 Organizational Unit's primary administrative office is located
16 as set forth in this paragraph, provided that if the
17 Organizational Unit CWI as calculated in accordance with this
18 paragraph is less than 0.9, the Organizational Unit CWI shall
19 be increased to 0.9. Each county's current CWI value shall be
20 adjusted based on the CWI value of that county's neighboring
21 Illinois counties, to create a "weighted adjusted index value".
22 This shall be calculated by summing the CWI values of all of a
23 county's adjacent Illinois counties and dividing by the number
24 of adjacent Illinois counties, then taking the weighted value
25 of the original county's CWI value and the adjacent Illinois
26 county average. To calculate this weighted value, if the number

1 of adjacent Illinois counties is greater than 2, the original
2 county's CWI value will be weighted at 0.25 and the adjacent
3 Illinois county average will be weighted at 0.75. If the number
4 of adjacent Illinois counties is 2, the original county's CWI
5 value will be weighted at 0.33 and the adjacent Illinois county
6 average will be weighted at 0.66. The greater of the county's
7 current CWI value and its weighted adjusted index value shall
8 be used as the Organizational Unit CWI.

9 "Preceding Tax Year" means the property tax levy year
10 immediately preceding the Base Tax Year.

11 "Preceding Tax Year's Extension" means the product of the
12 equalized assessed valuation utilized by the county clerk in
13 the Preceding Tax Year multiplied by the Operating Tax Rate.

14 "Preliminary Percent of Adequacy" is defined in paragraph
15 (2) of subsection (f) of this Section.

16 "Preliminary Resources" is defined in paragraph (2) of
17 subsection (f) of this Section.

18 "Principal" means a school administrator duly endorsed to
19 be employed as a principal in this State.

20 "Professional development" means training programs for
21 licensed staff in schools, including, but not limited to,
22 programs that assist in implementing new curriculum programs,
23 provide data focused or academic assessment data training to
24 help staff identify a student's weaknesses and strengths,
25 target interventions, improve instruction, encompass
26 instructional strategies for EL, gifted, or at-risk students,

1 address inclusivity, cultural sensitivity, or implicit bias,
2 or otherwise provide professional support for licensed staff.

3 "Prototypical" means 450 special education
4 pre-kindergarten and kindergarten through grade 5 students for
5 an elementary school, 450 grade 6 through 8 students for a
6 middle school, and 600 grade 9 through 12 students for a high
7 school.

8 "PTELL" means the Property Tax Extension Limitation Law.

9 "PTELL EAV" is defined in paragraph (4) of subsection (d)
10 of this Section.

11 "Pupil support staff" means a nurse, psychologist, social
12 worker, family liaison personnel, or other staff member who
13 provides support to at-risk or struggling students.

14 "Real Receipts" is defined in paragraph (1) of subsection
15 (d) of this Section.

16 "Regionalization Factor" means, for a particular
17 Organizational Unit, the figure derived by dividing the
18 Organizational Unit CWI by the Statewide Weighted CWI.

19 "School site staff" means the primary school secretary and
20 any additional clerical personnel assigned to a school.

21 "Special education" means special educational facilities
22 and services, as defined in Section 14-1.08 of this Code.

23 "Specialist teacher" means a teacher who provides
24 instruction in subject areas not included in core subjects,
25 including, but not limited to, art, music, physical education,
26 health, driver education, career-technical education, and such

1 other subject areas as may be mandated by State law or provided
2 by an Organizational Unit.

3 "Specially Funded Unit" means an Alternative School, safe
4 school, Department of Juvenile Justice school, special
5 education cooperative or entity recognized by the State Board
6 as a special education cooperative, State-approved charter
7 school, or alternative learning opportunities program that
8 received direct funding from the State Board during the
9 2016-2017 school year through any of the funding sources
10 included within the calculation of the Base Funding Minimum or
11 Glenwood Academy.

12 "Supplemental Grant Funding" means supplemental general
13 State aid funding received by an Organization Unit during the
14 2016-2017 school year pursuant to subsection (H) of Section
15 18-8.05 of this Code.

16 "State Adequacy Level" is the sum of the Adequacy Targets
17 of all Organizational Units.

18 "State Board" means the State Board of Education.

19 "State Superintendent" means the State Superintendent of
20 Education.

21 "Statewide Weighted CWI" means a figure determined by
22 multiplying each Organizational Unit CWI times the ASE for that
23 Organizational Unit creating a weighted value, summing all
24 Organizational Unit's weighted values, and dividing by the
25 total ASE of all Organizational Units, thereby creating an
26 average weighted index.

1 "Student activities" means non-credit producing
2 after-school programs, including, but not limited to, clubs,
3 bands, sports, and other activities authorized by the school
4 board of the Organizational Unit.

5 "Substitute teacher" means an individual teacher or
6 teaching assistant who is employed by an Organizational Unit
7 and is temporarily serving the Organizational Unit on a per
8 diem or per period-assignment basis replacing another staff
9 member.

10 "Summer school" means academic and enrichment programs
11 provided to students during the summer months outside of the
12 regular school year.

13 "Supervisory aide" means a non-licensed staff member who
14 helps in supervising students of an Organizational Unit, but
15 does so outside of the classroom, in situations such as, but
16 not limited to, monitoring hallways and playgrounds,
17 supervising lunchrooms, or supervising students when being
18 transported in buses serving the Organizational Unit.

19 "Target Ratio" is defined in paragraph (4) of subsection
20 (g).

21 "Tier 1", "Tier 2", "Tier 3", and "Tier 4" are defined in
22 paragraph (2) of subsection (g).

23 "Tier 1 Aggregate Funding", "Tier 2 Aggregate Funding",
24 "Tier 3 Aggregate Funding", and "Tier 4 Aggregate Funding" are
25 defined in paragraph (1) of subsection (g).

26 (b) Adequacy Target calculation.

1 (1) Each Organizational Unit's Adequacy Target is the sum
2 of the Organizational Unit's cost of providing Essential
3 Elements, as calculated in accordance with this subsection (b),
4 with the salary amounts in the Essential Elements multiplied by
5 a Regionalization Factor calculated pursuant to paragraph (3)
6 of this subsection (b).

7 (2) The Essential Elements are attributable on a pro-rata
8 basis related to defined subgroups of the ASE of each
9 Organizational Unit as specified in this paragraph (2), with
10 investments and FTE positions pro-rata funded based on ASE
11 counts in excess or less than the thresholds set forth in this
12 paragraph (2). The method for calculating attributable
13 pro-rata costs and the defined subgroups thereto are as
14 follows:

15 (A) Core class size investments. Each Organizational
16 Unit shall receive the funding required to support that
17 number of FTE core teacher positions as is needed to keep
18 the respective class sizes of the Organizational Unit to
19 the following maximum numbers:

20 (1) For grades kindergarten through 3, the
21 Organizational Unit shall receive funding required to
22 support one FTE core teacher position for every 15
23 Low-Income Count students in those grades and one FTE
24 core teacher position for every 20 non-Low-Income
25 Count students in those grades.

26 (2) For grades 4 through 12, the Organizational

1 Unit shall receive funding required to support one FTE
2 core teacher position for every 20 Low-Income Count
3 students in those grades and one FTE core teacher
4 position for every 25 non-Low-Income Count students in
5 those grades.

6 The number of non-Low-Income Count students in a grade
7 shall be determined by subtracting the Low-Income students
8 in that grade from the ASE of the Organizational Unit for
9 that grade.

10 (B) Specialist teacher investments. Each
11 Organizational Unit shall receive the funding needed to
12 cover that number of FTE specialist teacher positions that
13 correspond to the following percentages:

14 (i) if the Organizational Unit operates an
15 elementary or middle school, then 20.00% of the number
16 of the Organizational Unit's core teachers, as
17 determined under subparagraph (A) of this paragraph
18 (2); and

19 (ii) if such Organizational Unit operates a high
20 school, then 33.33% of the number of the Organizational
21 Unit's core teachers.

22 (C) Instructional facilitator investments. Each
23 Organizational Unit shall receive the funding needed to
24 cover one FTE instructional facilitator position for every
25 200 combined ASE of pre-kindergarten children with
26 disabilities and all kindergarten through grade 12

1 students of the Organizational Unit.

2 (D) Core intervention teacher (tutor) investments.
3 Each Organizational Unit shall receive the funding needed
4 to cover one FTE teacher position for each prototypical
5 elementary, middle, and high school.

6 (E) Substitute teacher investments. Each
7 Organizational Unit shall receive the funding needed to
8 cover substitute teacher costs that is equal to 5.70% of
9 the minimum pupil attendance days required under Section
10 10-19 of this code for all full-time equivalent core,
11 specialist, and intervention teachers, school nurses,
12 special education teachers and instructional assistants,
13 instructional facilitators, and summer school and
14 extended-day teacher positions, as determined under this
15 paragraph (2), at a salary rate of 33.33% of the average
16 salary for grade K through 12 teachers and 33.33% of the
17 average salary of each instructional assistant position.

18 (F) Core guidance counselor investments. Each
19 Organizational Unit shall receive the funding needed to
20 cover one FTE guidance counselor for each 450 combined ASE
21 of pre-kindergarten children with disabilities and all
22 kindergarten through grade 5 students, plus one FTE
23 guidance counselor for each 250 grades 6 through 8 ASE
24 middle school students, plus one FTE guidance counselor for
25 each 250 grades 9 through 12 ASE high school students.

26 (G) Nurse investments. Each Organizational Unit shall

1 receive the funding needed to cover one FTE nurse for each
2 750 combined ASE of pre-kindergarten children with
3 disabilities and all kindergarten through grade 12
4 students across all grade levels it serves.

5 (H) Supervisory aide investments. Each Organizational
6 Unit shall receive the funding needed to cover one FTE for
7 each 225 combined ASE of pre-kindergarten children with
8 disabilities and all kindergarten through grade 5
9 students, plus one FTE for each 225 ASE middle school
10 students, plus one FTE for each 200 ASE high school
11 students.

12 (I) Librarian investments. Each Organizational Unit
13 shall receive the funding needed to cover one FTE librarian
14 for each prototypical elementary school, middle school,
15 and high school and one FTE aide or media technician for
16 every 300 combined ASE of pre-kindergarten children with
17 disabilities and all kindergarten through grade 12
18 students.

19 (J) Principal investments. Each Organizational Unit
20 shall receive the funding needed to cover one FTE principal
21 position for each prototypical elementary school, plus one
22 FTE principal position for each prototypical middle
23 school, plus one FTE principal position for each
24 prototypical high school.

25 (K) Assistant principal investments. Each
26 Organizational Unit shall receive the funding needed to

1 cover one FTE assistant principal position for each
2 prototypical elementary school, plus one FTE assistant
3 principal position for each prototypical middle school,
4 plus one FTE assistant principal position for each
5 prototypical high school.

6 (L) School site staff investments. Each Organizational
7 Unit shall receive the funding needed for one FTE position
8 for each 225 ASE of pre-kindergarten children with
9 disabilities and all kindergarten through grade 5
10 students, plus one FTE position for each 225 ASE middle
11 school students, plus one FTE position for each 200 ASE
12 high school students.

13 (M) Gifted investments. Each Organizational Unit shall
14 receive \$40 per kindergarten through grade 12 ASE.

15 (N) Professional development investments. Each
16 Organizational Unit shall receive \$125 per student of the
17 combined ASE of pre-kindergarten children with
18 disabilities and all kindergarten through grade 12
19 students for trainers and other professional
20 development-related expenses for supplies and materials.

21 (O) Instructional material investments. Each
22 Organizational Unit shall receive \$190 per student of the
23 combined ASE of pre-kindergarten children with
24 disabilities and all kindergarten through grade 12
25 students to cover instructional material costs.

26 (P) Assessment investments. Each Organizational Unit

1 shall receive \$25 per student of the combined ASE of
2 pre-kindergarten children with disabilities and all
3 kindergarten through grade 12 students student to cover
4 assessment costs.

5 (Q) Computer technology and equipment investments.
6 Each Organizational Unit shall receive \$285.50 per student
7 of the combined ASE of pre-kindergarten children with
8 disabilities and all kindergarten through grade 12
9 students to cover computer technology and equipment costs.
10 For the 2018-2019 school year and subsequent school years,
11 Tier 1 and Tier 2 Organizational Units selected by the
12 State Board through a request for proposals process shall,
13 upon the State Board's approval of an Organizational Unit's
14 one-to-one computing technology plan, receive an
15 additional \$285.50 per student of the combined ASE of
16 pre-kindergarten children with disabilities and all
17 kindergarten through grade 12 students to cover computer
18 technology and equipment costs. The State Board may
19 establish additional requirements for Organizational Unit
20 expenditures of funds received pursuant to this
21 subparagraph (Q). It is the intent of this amendatory Act
22 of the 100th General Assembly that all Tier 1 and Tier 2
23 districts that apply for the technology grant receive the
24 addition to their Adequacy Target, subject to compliance
25 with the requirements of the State Board.

26 (R) Student activities investments. Each

1 Organizational Unit shall receive the following funding
2 amounts to cover student activities: \$100 per kindergarten
3 through grade 5 ASE student in elementary school, plus \$200
4 per ASE student in middle school, plus \$675 per ASE student
5 in high school.

6 (S) Maintenance and operations investments. Each
7 Organizational Unit shall receive \$1,038 per student of the
8 combined ASE of pre-kindergarten children with
9 disabilities and all kindergarten through grade 12 for
10 day-to-day maintenance and operations expenditures,
11 including salary, supplies, and materials, as well as
12 purchased services, but excluding employee benefits. The
13 proportion of salary for the application of a
14 Regionalization Factor and the calculation of benefits is
15 equal to \$352.92.

16 (T) Central office investments. Each Organizational
17 Unit shall receive \$742 per student of the combined ASE of
18 pre-kindergarten children with disabilities and all
19 kindergarten through grade 12 students to cover central
20 office operations, including administrators and classified
21 personnel charged with managing the instructional
22 programs, business and operations of the school district,
23 and security personnel. The proportion of salary for the
24 application of a Regionalization Factor and the
25 calculation of benefits is equal to \$368.48.

26 (U) Employee benefit investments. Each Organizational

1 Unit shall receive 30% of the total of all
2 salary-calculated elements of the Adequacy Target,
3 excluding substitute teachers and student activities
4 investments, to cover benefit costs. For central office and
5 maintenance and operations investments, the benefit
6 calculation shall be based upon the salary proportion of
7 each investment. If at any time the responsibility for
8 funding the employer normal cost of teacher pensions is
9 assigned to school districts, then that amount certified by
10 the Teachers' Retirement System of the State of Illinois to
11 be paid by the Organizational Unit for the preceding school
12 year shall be added to the benefit investment. For any
13 fiscal year in which a school district organized under
14 Article 34 of this Code is responsible for paying the
15 employer normal cost of teacher pensions, then that amount
16 of its employer normal cost as certified by the Public
17 School Teachers' Pension and Retirement Fund of Chicago to
18 be paid by the school district for the preceding school
19 year that is statutorily required to cover employer normal
20 costs shall be added to the 30% specified in this
21 subparagraph (U). The Public School Teachers' Pension and
22 Retirement Fund of Chicago shall submit such information as
23 the State Superintendent may require for the calculations
24 set forth in this subparagraph (U).

25 (V) Additional investments in low-income students. In
26 addition to and not in lieu of all other funding under this

1 paragraph (2), each Organizational Unit shall receive
2 funding based on the average teacher salary for grades K
3 through 12 to cover the costs of: (i) one FTE intervention
4 teacher (tutor) position for every 125 Low-Income Count
5 students; (ii) one FTE pupil support staff position for
6 every 125 Low-Income Count students; (iii) one FTE extended
7 day teacher position for every 120 Low-Income Count
8 students; and (iv) one FTE summer school teacher position
9 for every 120 Low-Income Count students.

10 (W) Additional investments in EL students. In addition
11 to and not in lieu of all other funding under this
12 paragraph (2), each Organizational Unit shall receive
13 funding based on the average teacher salary for grades K
14 through 12 to cover the costs of:

15 (i) one FTE intervention teacher (tutor) position
16 for every 125 EL students;

17 (ii) one FTE pupil support staff position for every
18 125 EL students;

19 (iii) one FTE extended day teacher position for
20 every 120 EL students;

21 (iv) one FTE summer school teacher position for
22 every 120 EL students; and

23 (v) one FTE core teacher position for every 100 EL
24 students.

25 (X) Special education investments. Each Organizational
26 Unit shall receive funding based on the average teacher

1 salary for grades K through 12 to cover special education
2 as follows:

3 (i) one FTE teacher position for every 141 combined
4 ASE of pre-kindergarten children with disabilities and
5 all kindergarten through grade 12 students;

6 (ii) one FTE instructional assistant for every 141
7 combined ASE of pre-kindergarten children with
8 disabilities and all kindergarten through grade 12
9 students; and

10 (iii) one FTE psychologist position for every
11 1,000 combined ASE of pre-kindergarten children with
12 disabilities and all kindergarten through grade 12
13 students.

14 (3) For calculating the salaries included within the
15 Essential Elements, the State Superintendent shall annually
16 calculate average salaries to the nearest dollar using the
17 employment information system data maintained by the State
18 Board, limited to public schools only and excluding special
19 education and vocational cooperatives, schools operated by the
20 Department of Juvenile Justice, and charter schools, for the
21 following positions:

22 (A) Teacher for grades K through 8.

23 (B) Teacher for grades 9 through 12.

24 (C) Teacher for grades K through 12.

25 (D) Guidance counselor for grades K through 8.

26 (E) Guidance counselor for grades 9 through 12.

1 (F) Guidance counselor for grades K through 12.

2 (G) Social worker.

3 (H) Psychologist.

4 (I) Librarian.

5 (J) Nurse.

6 (K) Principal.

7 (L) Assistant principal.

8 For the purposes of this paragraph (3), "teacher" includes core
9 teachers, specialist and elective teachers, instructional
10 facilitators, tutors, special education teachers, pupil
11 support staff teachers, English learner teachers, extended-day
12 teachers, and summer school teachers. Where specific grade data
13 is not required for the Essential Elements, the average salary
14 for corresponding positions shall apply. For substitute
15 teachers, the average teacher salary for grades K through 12
16 shall apply.

17 For calculating the salaries included within the Essential
18 Elements for positions not included within EIS Data, the
19 following salaries shall be used in the first year of
20 implementation of Evidence-Based Funding:

21 (i) school site staff, \$30,000; and

22 (ii) on-instructional assistant, instructional
23 assistant, library aide, library media tech, or
24 supervisory aide: \$25,000.

25 In the second and subsequent years of implementation of
26 Evidence-Based Funding, the amounts in items (i) and (ii) of

1 this paragraph (3) shall annually increase by the ECI.

2 The salary amounts for the Essential Elements determined
3 pursuant to subparagraphs (A) through (L), (S) and (T), and (V)
4 through (X) of paragraph (2) of subsection (b) of this Section
5 shall be multiplied by a Regionalization Factor.

6 (c) Local capacity calculation.

7 (1) Each Organizational Unit's Local Capacity represents
8 an amount of funding it is assumed to contribute toward its
9 Adequacy Target for purposes of the Evidence-Based Funding
10 formula calculation. "Local Capacity" means either (i) the
11 Organizational Unit's Local Capacity Target as calculated in
12 accordance with paragraph (2) of this subsection (c) if its
13 Real Receipts are equal to or less than its Local Capacity
14 Target or (ii) the Organizational Unit's Adjusted Local
15 Capacity, as calculated in accordance with paragraph (3) of
16 this subsection (c) if Real Receipts are more than its Local
17 Capacity Target.

18 (2) "Local Capacity Target" means, for an Organizational
19 Unit, that dollar amount that is obtained by multiplying its
20 Adequacy Target by its Local Capacity Percentage.

21 (A) An Organizational Unit's Local Capacity Percentage
22 is the conversion of the Organizational Unit's Local
23 Capacity Ratio, as such ratio is determined in accordance
24 with subparagraph (B) of this paragraph (2), into a normal
25 curve equivalent score to determine each Organizational
26 Unit's relative position to all other Organizational Units

1 in this State. The calculation of Local Capacity Percentage
2 is described in subparagraph (C) of this paragraph (2).

3 (B) An Organizational Unit's Local Capacity Ratio in a
4 given year is the percentage obtained by dividing its
5 Adjusted EAV by its Adequacy Target, with the resulting
6 ratio further adjusted as follows:

7 (i) for Organizational Units serving grades
8 kindergarten through 12 and Hybrid Districts, no
9 further adjustments shall be made;

10 (ii) for Organizational Units serving grades
11 kindergarten through 8, the ratio shall be multiplied
12 by 9/13;

13 (iii) for Organizational Units serving grades 9
14 through 12, the Local Capacity Ratio shall be
15 multiplied by 4/13; and

16 (iv) for an Organizational Unit with a different
17 grade configuration than those specified in items (i)
18 through (iii) of this subparagraph (B), the State
19 Superintendent shall determine a comparable adjustment
20 based on the grades served.

21 (C) Local Capacity Percentage converts each
22 Organizational Unit's Local Capacity Ratio to a normal
23 curve equivalent score to determine each Organizational
24 Unit's relative position to all other Organizational Units
25 in this State. The Local Capacity Percentage normal curve
26 equivalent score for each Organizational Unit shall be

1 calculated using the standard normal distribution of the
2 score in relation to the weighted mean and weighted
3 standard deviation and Local Capacity Ratios of all
4 Organizational Units. If the value assigned to any
5 Organizational Unit is in excess of 90%, the value shall be
6 adjusted to 90%. For Laboratory Schools, the Local Capacity
7 Percentage shall be set at 10% in recognition of the
8 absence of EAV and resources from the public university
9 that are allocated to the Laboratory School. The weighted
10 mean for the Local Capacity Percentage shall be determined
11 by multiplying each Organizational Unit's Local Capacity
12 Ratio times the ASE for the unit creating a weighted value,
13 summing the weighted values of all Organizational Units,
14 and dividing by the total ASE of all Organizational Units.
15 The weighted standard deviation shall be determined by
16 taking the square root of the weighted variance of all
17 Organizational Units' Local Capacity Ratio, where the
18 variance is calculated by squaring the difference between
19 each unit's Local Capacity Ratio and the weighted mean,
20 then multiplying the variance for each unit times the ASE
21 for the unit to create a weighted variance for each unit,
22 then summing all units' weighted variance and dividing by
23 the total ASE of all units.

24 (3) If an Organizational Unit's Real Receipts are more than
25 its Local Capacity Target, then its Local Capacity shall equal
26 an Adjusted Local Capacity Target as calculated in accordance

1 with this paragraph (3). The Adjusted Local Capacity Target is
2 calculated as the sum of the Organizational Unit's Local
3 Capacity Target and its Real Receipts Adjustment. For
4 Organizational Units with a Real Percent of Adequacy above 85%,
5 the Real Receipts Adjustment equals the Organizational Unit's
6 Real Receipts less its Local Capacity Target, with the
7 resulting figure multiplied by the lesser of 100% or the
8 difference between its Real Percent of Adequacy and 85%. For
9 Organizational Units with a Real Percent of Adequacy of 85% or
10 below, there is no Real Receipts Adjustment.

11 As used in this paragraph (3), "Real Percent of Adequacy"
12 means the sum of an Organizational Unit's Real Receipts, CPPRT,
13 and Base Funding Minimum, with the resulting figure divided by
14 the Organizational Unit's Adequacy Target.

15 (d) Calculation of Real Receipts, EAV, and Adjusted EAV for
16 purposes of the Local Capacity calculation.

17 (1) An Organizational Unit's Real Receipts are the product
18 of its Applicable Tax Rate and its Adjusted EAV. An
19 Organizational Unit's Applicable Tax Rate is its Operating Tax
20 Rate for property within the Organizational Unit.

21 (2) The State Superintendent shall calculate the Equalized
22 Assessed Valuation, or EAV, of all taxable property of each
23 Organizational Unit as of September 30 of the previous year in
24 accordance with paragraph (3) of this subsection (d). The State
25 Superintendent shall then determine the Adjusted EAV of each
26 Organizational Unit in accordance with paragraph (4) of this

1 subsection (d), which Adjusted EAV figure shall be used for the
2 purposes of calculating Local Capacity.

3 (3) To calculate Real Receipts and EAV, the Department of
4 Revenue shall supply to the State Superintendent the value as
5 equalized or assessed by the Department of Revenue of all
6 taxable property of every Organizational Unit, together with
7 (i) the applicable tax rate used in extending taxes for the
8 funds of the Organizational Unit as of September 30 of the
9 previous year and (ii) the limiting rate for all Organizational
10 Units subject to property tax extension limitations as imposed
11 under PTELL.

12 (A) The Department of Revenue shall add to the
13 equalized assessed value of all taxable property of each
14 Organizational Unit situated entirely or partially within
15 a county that is or was subject to the provisions of
16 Section 15-176 or 15-177 of the Property Tax Code (i) an
17 amount equal to the total amount by which the homestead
18 exemption allowed under Section 15-176 or 15-177 of the
19 Property Tax Code for real property situated in that
20 Organizational Unit exceeds the total amount that would
21 have been allowed in that Organizational Unit if the
22 maximum reduction under Section 15-176 was (I) \$4,500 in
23 Cook County or \$3,500 in all other counties in tax year
24 2003 or (II) \$5,000 in all counties in tax year 2004 and
25 thereafter and (ii) an amount equal to the aggregate amount
26 for the taxable year of all additional exemptions under

1 Section 15-175 of the Property Tax Code for owners with a
2 household income of \$30,000 or less. The county clerk of
3 any county that is or was subject to the provisions of
4 Section 15-176 or 15-177 of the Property Tax Code shall
5 annually calculate and certify to the Department of Revenue
6 for each Organizational Unit all homestead exemption
7 amounts under Section 15-176 or 15-177 of the Property Tax
8 Code and all amounts of additional exemptions under Section
9 15-175 of the Property Tax Code for owners with a household
10 income of \$30,000 or less. It is the intent of this
11 subparagraph (A) that if the general homestead exemption
12 for a parcel of property is determined under Section 15-176
13 or 15-177 of the Property Tax Code rather than Section
14 15-175, then the calculation of EAV shall not be affected
15 by the difference, if any, between the amount of the
16 general homestead exemption allowed for that parcel of
17 property under Section 15-176 or 15-177 of the Property Tax
18 Code and the amount that would have been allowed had the
19 general homestead exemption for that parcel of property
20 been determined under Section 15-175 of the Property Tax
21 Code. It is further the intent of this subparagraph (A)
22 that if additional exemptions are allowed under Section
23 15-175 of the Property Tax Code for owners with a household
24 income of less than \$30,000, then the calculation of EAV
25 shall not be affected by the difference, if any, because of
26 those additional exemptions.

1 (B) With respect to any part of an Organizational Unit
2 within a redevelopment project area in respect to which a
3 municipality has adopted tax increment allocation
4 financing pursuant to the Tax Increment Allocation
5 Redevelopment Act, Division 74.4 of the Illinois Municipal
6 Code, or the Industrial Jobs Recovery Law, Division 74.6 of
7 the Illinois Municipal Code, no part of the current EAV of
8 real property located in any such project area which is
9 attributable to an increase above the total initial EAV of
10 such property shall be used as part of the EAV of the
11 Organizational Unit, until such time as all redevelopment
12 project costs have been paid, as provided in Section
13 11-74.4-8 of the Tax Increment Allocation Redevelopment
14 Act or in Section 11-74.6-35 of the Industrial Jobs
15 Recovery Law. For the purpose of the EAV of the
16 Organizational Unit, the total initial EAV or the current
17 EAV, whichever is lower, shall be used until such time as
18 all redevelopment project costs have been paid.

19 (C) For Organizational Units that are Hybrid
20 Districts, the State Superintendent shall use the lesser of
21 the equalized assessed valuation for property within the
22 partial elementary unit district for elementary purposes,
23 as defined in Article 11E of this Code, or the equalized
24 assessed valuation for property within the partial
25 elementary unit district for high school purposes, as
26 defined in Article 11E of this Code.

1 (4) An Organizational Unit's Adjusted EAV shall be the
2 average of its EAV over the immediately preceding 3 years or
3 its EAV in the immediately preceding year if the EAV in the
4 immediately preceding year has declined by 10% or more compared
5 to the 3-year average. In the event of Organizational Unit
6 reorganization, consolidation, or annexation, the
7 Organizational Unit's Adjusted EAV for the first 3 years after
8 such change shall be as follows: the most current EAV shall be
9 used in the first year, the average of a 2-year EAV or its EAV
10 in the immediately preceding year if the EAV declines by 10% or
11 more compared to the 2-year average for the second year, and a
12 3-year average EAV or its EAV in the immediately preceding year
13 if the adjusted EAV declines by 10% or more compared to the
14 3-year average for the third year.

15 Notwithstanding anything to the contrary contained in this
16 paragraph (4), if an Organizational Unit has a PTELL EAV less
17 than its Adjusted EAV as calculated in the remainder of this
18 paragraph, the Organizational Unit's PTELL EAV shall serve as
19 its Adjusted EAV.

20 "PTELL EAV" means a figure calculated by the State Board
21 for Organizational Units subject to PTELL as described in this
22 paragraph (4). Except as otherwise provided in this paragraph
23 (4), for an Organizational Unit that has approved or does
24 approve an increase in its limiting rate, the PTELL EAV of an
25 Organizational Unit shall be equal to the product of the
26 equalized assessed valuation last used in the calculation of

1 general State aid under Section 18-8.05 of this Code or
2 Evidence-Based Funding under this Section and the
3 Organizational Unit's Extension Limitation Ratio. If an
4 Organizational Unit has approved or does approve an increase in
5 its limiting rate, pursuant to Section 18-190 of the Property
6 Tax Code, affecting the Base Tax Year, the PTELL EAV shall be
7 equal to the product of the equalized assessed valuation last
8 used in the calculation of general State aid under Section
9 18-8.05 of this Code or Evidence-Based Funding under this
10 Section multiplied by an amount equal to one plus the
11 percentage increase, if any, in the Consumer Price Index for
12 All Urban Consumers for all items published by the United
13 States Department of Labor for the 12-month calendar year
14 preceding the Base Tax Year, plus the equalized assessed
15 valuation of new property, annexed property, and recovered tax
16 increment value and minus the equalized assessed valuation of
17 disconnected property.

18 As used in this paragraph (4), "new property" and
19 "recovered tax increment value" shall have the meanings set
20 forth in the Property Tax Extension Limitation Law.

21 (e) Base Funding Minimum calculation.

22 (1) For the 2017-2018 school year, the Base Funding Minimum
23 of an Organizational Unit, other than a Specially Funded Unit,
24 shall be the amount of State funds distributed to the
25 Organizational Unit during the 2016-2017 school year prior to
26 any adjustments and specified appropriation amounts described

1 in this paragraph (1) from the following Sections, as
2 calculated by the State Superintendent: Section 18-8.05 of this
3 Code (general State aid); Section 5 of Article 224 of Public
4 Act 99-524 (equity grants); Section 14-7.02b of this Code
5 (funding for children requiring special education services);
6 Section 14-13.01 of this Code (special education facilities and
7 staffing), except for reimbursement of the cost of
8 transportation pursuant to Section 14-13.01; Section 14C-12 of
9 this Code (English learners); and Section 18-4.3 of this Code
10 (summer school), based on an appropriation level of
11 \$13,121,600. For a school district organized under Article 34
12 of this Code, the Base Funding Minimum also includes the funds
13 allotted to the school district pursuant to Section 1D-1 of
14 this Code attributable to funding programs authorized by the
15 Sections of this Code listed in the preceding sentence. For
16 Specially Funded Units, the Base Funding Minimum shall be the
17 total amount of State funds allotted to the Specially Funded
18 Unit during the 2016-2017 school year. The Base Funding Minimum
19 for Glenwood Academy shall be \$625,500.

20 (2) For the 2018-2019 and subsequent school years, the Base
21 Funding Minimum of Organizational Units and Specially Funded
22 Units shall be the sum of (i) the amount of Evidence-Based
23 Funding for the prior school year and (ii) the Base Funding
24 Minimum for the prior school year.

25 (f) Percent of Adequacy and Final Resources calculation.

26 (1) The Evidence-Based Funding formula establishes a

1 Percent of Adequacy for each Organizational Unit in order to
2 place such units into tiers for the purposes of the funding
3 distribution system described in subsection (g) of this
4 Section. Initially, an Organizational Unit's Preliminary
5 Resources and Preliminary Percent of Adequacy are calculated
6 pursuant to paragraph (2) of this subsection (f). Then, an
7 Organizational Unit's Final Resources and Final Percent of
8 Adequacy are calculated to account for the Organizational
9 Unit's poverty concentration levels pursuant to paragraphs (3)
10 and (4) of this subsection (f).

11 (2) An Organizational Unit's Preliminary Resources are
12 equal to the sum of its Local Capacity Target, CPPRT, and Base
13 Funding Minimum. An Organizational Unit's Preliminary Percent
14 of Adequacy is the lesser of (i) its Preliminary Resources
15 divided by its Adequacy Target or (ii) 100%.

16 (3) Except for Specially Funded Units, an Organizational
17 Unit's Final Resources are equal the sum of its Local Capacity,
18 CPPRT, and Adjusted Base Funding Minimum. The Base Funding
19 Minimum of each Specially Funded Unit shall serve as its Final
20 Resources, except that the Base Funding Minimum for
21 State-approved charter schools shall not include any portion of
22 general State aid allocated in the prior year based on the per
23 capita tuition charge times the charter school enrollment.

24 (4) An Organizational Unit's Final Percent of Adequacy is
25 its Final Resources divided by its Adequacy Target. A
26 Organizational Unit's Adjusted Base Funding Minimum is equal to

1 its Base Funding Minimum less its Supplemental Grant Funding,
2 with the resulting figure added to the product of its
3 Supplemental Grant Funding and Preliminary Percent of
4 Adequacy.

5 (g) Evidence-Based Funding formula distribution system.

6 (1) In each school year under the Evidence-Based Funding
7 formula, each Organizational Unit receives funding equal to the
8 sum of its Base Funding Minimum and the unit's allocation of
9 New State Funds determined pursuant to this subsection (g). To
10 allocate New State Funds, the Evidence-Based Funding formula
11 distribution system first places all Organizational Units into
12 one of 4 tiers in accordance with paragraph (3) of this
13 subsection (g), based on the Organizational Unit's Final
14 Percent of Adequacy. New State Funds are allocated to each of
15 the 4 tiers as follows: Tier 1 Aggregate Funding equals 40% of
16 all New State Funds, Tier 2 Aggregate Funding equals 59% of all
17 New State Funds, Tier 3 Aggregate Funding equals 0.9% of all
18 New State Funds, and Tier 4 Aggregate Funding equals 0.1% of
19 all New State Funds. Each Organizational Unit within Tier 1 or
20 Tier 2 receives an allocation of New State Funds equal to its
21 Tier Funding Gap, as defined in the following sentence,
22 multiplied by the tier's Allocation Rate determined pursuant to
23 paragraph (4) of this subsection (g). For Tier 1 and Tier 2, an
24 Organizational Unit's Funding Gap equals the Tier's Target
25 Ratio, as specified in paragraph (5) of this subsection (g),
26 multiplied by the Organizational Unit's Adequacy Target, with

1 the resulting amount reduced by the Organizational Unit's Final
2 Resources and, for Tier 2 Organizational Units, its Tier 1
3 funding allocation. Each Organizational Unit within Tier 3 or
4 Tier 4 receives an allocation of New State Funds equal to the
5 product of its Adequacy Target and the Tier's Allocation Rate,
6 as specified in paragraph (4) of this subsection (g).

7 (2) To ensure equitable distribution of dollars for all
8 Tier 2 Organizational Units, no Tier 2 Organizational Unit
9 shall receive fewer dollars per ASE than any Tier 3
10 Organizational Unit. Each Tier 2 and Tier 3 Organizational Unit
11 shall have its funding allocation divided by its ASE. Any Tier
12 2 Organizational Unit with a funding allocation per ASE below
13 the greatest Tier 3 allocation per ASE shall get a funding
14 allocation equal to the greatest Tier 3 funding allocation per
15 ASE multiplied by the Organizational Unit's ASE. Each Tier 2
16 Organizational Unit's Tier 2 funding allocation shall be
17 multiplied by the percentage calculated by dividing the
18 original Tier 2 Aggregate Funding by the sum of all Tier 2
19 Organizational Unit's Tier 2 funding allocation after
20 adjusting districts' funding below Tier 3 levels.

21 (3) Organizational Units are placed into one of 4 tiers as
22 follows:

23 (A) Tier 1 consists of all Organizational Units, except
24 for Specially Funded Units, with a Percent of Adequacy less
25 than the Tier 1 Target Ratio. The Tier 1 Target Ratio is
26 the ratio level that allows for Tier 1 Aggregate Funding to

1 be distributed, with the Tier 1 Allocation Rate determined
2 pursuant to paragraph (4) of this subsection (g).

3 (B) Tier 2 consists of all Tier 1 Units and all other
4 Organizational Units, except for Specially Funded Units,
5 with a Percent of Adequacy of less than 0.90.

6 (C) Tier 3 consists of all Organizational Units, except
7 for Specially Funded Units, with a Percent of Adequacy of
8 at least 0.90 and less than 1.0.

9 (D) Tier 4 consists of all Organizational Units with a
10 Percent of Adequacy of at least 1.0 and Specially Funded
11 Units, excluding Glenwood Academy.

12 (4) The Allocation Rates for Tiers 1 through 4 is
13 determined as follows:

14 (A) The Tier 1 Allocation Rate is 40%.

15 (B) The Tier 2 Allocation Rate is the result of the
16 following equation: Tier 2 Aggregate Funding, divided by
17 the sum of the Funding Gaps for all Tier 2 Organizational
18 Units, unless the result of such equation is higher than
19 1.0. If the result of such equation is higher than 1.0,
20 then the Tier 2 Allocation Rate is 1.0.

21 (C) The Tier 3 Allocation Rate is the result of the
22 following equation: Tier 3 Aggregate Funding, divided by
23 the sum of the Adequacy Targets of all Tier 3
24 Organizational Units.

25 (D) The Tier 4 Allocation Rate is the result of the
26 following equation: Tier 4 Aggregate Funding, divided by

1 the sum of the Adequacy Targets of all Tier 4
2 Organizational Units.

3 (5) A tier's Target Ratio is determined as follows:

4 (A) The Tier 1 Target Ratio is the ratio level that
5 allows for Tier 1 Aggregate Funding to be distributed with
6 the Tier 1 Allocation Rate.

7 (B) The Tier 2 Target Ratio is 0.90.

8 (C) The Tier 3 Target Ratio is 1.0.

9 (6) If, at any point, the Tier 1 Target Ratio is greater
10 than 90%, than all Tier 1 funding shall be allocated to Tier 2
11 and no Tier 1 Organizational Unit's funding may be identified.

12 (7) In the event that all Tier 2 Organizational Units
13 receive funding at the Tier 2 Target Ratio level, any remaining
14 New State Funds shall be allocated to Tier 3 and Tier 4
15 Organizational Units.

16 (8) If any Specially Funded Units, excluding Glenwood
17 Academy, recognized by the State Board do not qualify for
18 direct funding following the implementation of this amendatory
19 Act of the 100th General Assembly from any of the funding
20 sources included within the definition of Base Funding Minimum,
21 the unqualified portion of the Base Funding Minimum shall be
22 transferred to one or more appropriate Organizational Units as
23 determined by the State Superintendent based on the prior year
24 ASE of the Organizational Units.

25 (9) The Minimum Funding Level is intended to establish a
26 target for State funding that will keep pace with inflation and

1 continue to advance equity through the Evidence-Based Funding
2 formula. The Minimum Funding Level is equal to: (i) the sum of
3 1% of the State Adequacy Level, plus the ECI multiplied by the
4 State Adequacy Level, less (ii) the total increase in Real
5 Receipts from the prior school year to the current school year.
6 The Minimum Funding Level may never be greater than the sum of
7 the Preliminary Resources subtracted from the Adequacy Target
8 for each Tier 1, Tier 2, and Tier 3 Organizational Unit. The
9 General Assembly shall strive to provide sufficient
10 appropriations to annually fund the Minimum Funding Level.

11 (10) In the event of a decrease in the amount of the
12 appropriation for this Section in any fiscal year after
13 implementation of this Section, the Organizational Units
14 receiving Tier 1 and Tier 2 funding, as determined under
15 paragraph (3) of this subsection (g), shall be held harmless by
16 establishing a Base Funding Guarantee equal to the per pupil
17 kindergarten through grade 12 funding received in accordance
18 with this Section in the prior fiscal year. Reductions shall be
19 made to the Base Funding Minimum of Organizational Units in
20 Tier 3 and Tier 4 on a per pupil basis equivalent to the total
21 number of the ASE in Tier 3-funded and Tier 4-funded
22 Organizational Units divided by the total reduction in State
23 funding. The Base Funding Minimum as reduced shall continue to
24 be applied to Tier 3 and Tier 4 Organizational Units and
25 adjusted by the relative formula when increases in
26 appropriations for this Section resume. In no event may State

1 funding reductions to Organizational Units in Tier 3 or Tier 4
2 exceed an amount that would be less than the Base Funding
3 Minimum established in the first year of implementation of this
4 Section. If additional reductions are required, all school
5 districts shall receive a reduction by a per pupil amount equal
6 to the aggregate additional appropriation reduction divided by
7 the total ASE of all Organizational Units.

8 (11) The State Superintendent shall make minor adjustments
9 to the distribution formulae set forth in this subsection (g)
10 to account for the rounding of percentages to the nearest tenth
11 of a percentage and dollar amounts to the nearest whole dollar.

12 (h) State Superintendent administration of funding and
13 district submission requirements.

14 (1) The State Superintendent shall, in accordance with
15 appropriations made by the General Assembly, meet the funding
16 obligations created under this Section.

17 (2) The State Superintendent shall calculate the Adequacy
18 Target for each Organizational Unit and Net State Contribution
19 Target for each Organizational Unit under this Section. The
20 State Superintendent shall also certify the actual amounts of
21 the New State Funds payable for each eligible Organizational
22 Unit based on the equitable distribution calculation to the
23 unit's treasurer, as soon as possible after such amounts are
24 calculated, including any applicable adjusted charge-off
25 increase. No Evidence-Based Funding shall be distributed
26 within an Organizational Unit without the approval of the

1 unit's school board.

2 (3) Annually, the State Superintendent shall calculate and
3 report to each Organizational Unit the unit's aggregate
4 financial adequacy amount, which shall be the sum of the
5 Adequacy Target for each Organizational Unit. The State
6 Superintendent shall calculate and report separately for each
7 Organizational Unit the unit's total State funds allocated for
8 its students with disabilities. The State Superintendent shall
9 calculate and report separately for each Organizational Unit
10 the amount of funding and applicable FTE calculated for each
11 Essential Element of the unit's Adequacy Target.

12 (4) Moneys distributed under this Section shall be
13 calculated on a school year basis, but paid on a fiscal year
14 basis, with payments beginning in August and extending through
15 June. Unless otherwise provided, the moneys appropriated for
16 each fiscal year shall be distributed in 22 equal payments at
17 least 2 times monthly to each Organizational Unit. The State
18 Board shall publish a yearly distribution schedule at its
19 meeting in June. If moneys appropriated for any fiscal year are
20 distributed other than monthly, the distribution shall be on
21 the same basis for each Organizational Unit.

22 (5) Any school district that fails, for any given school
23 year, to maintain school as required by law or to maintain a
24 recognized school is not eligible to receive Evidence-Based
25 Funding. In case of non-recognition of one or more attendance
26 centers in a school district otherwise operating recognized

1 schools, the claim of the district shall be reduced in the
2 proportion that the enrollment in the attendance center or
3 centers bears to the enrollment of the school district.

4 "Recognized school" means any public school that meets the
5 standards for recognition by the State Board. A school district
6 or attendance center not having recognition status at the end
7 of a school term is entitled to receive State aid payments due
8 upon a legal claim that was filed while it was recognized.

9 (6) School district claims filed under this Section are
10 subject to Sections 18-9 and 18-12 of this Code, except as
11 otherwise provided in this Section.

12 (7) Each fiscal year, the State Superintendent shall
13 calculate for each Organizational Unit an amount of its Base
14 Funding Minimum and Evidence-Based Funding that shall be deemed
15 attributable to the provision of special educational
16 facilities and services, as defined in Section 14-1.08 of this
17 Code, in a manner that ensures compliance with maintenance of
18 State financial support requirements under the federal
19 Individuals with Disabilities Education Act. An Organizational
20 Unit must use such funds only for the provision of special
21 educational facilities and services, as defined in Section
22 14-1.08 of this Code, and must comply with any expenditure
23 verification procedures adopted by the State Board.

24 (8) All Organizational Units in this State must submit
25 annual spending plans by the end of September of each year to
26 the State Board as part of the annual budget process, which

1 shall describe how each Organizational Unit will utilize the
2 Base Minimum Funding and Evidence-Based funding it receives
3 from this State under this Section with specific identification
4 of the intended utilization of Low-Income, EL, and special
5 education resources. Additionally, the annual spending plans
6 of each Organizational Unit shall describe how the
7 Organizational Unit expects to achieve student growth and how
8 the Organizational Unit will achieve State education goals, as
9 defined by the State Board. The State Superintendent may, from
10 time to time, identify additional requisites for
11 Organizational Units to satisfy when compiling the annual
12 spending plans required under this subsection (h). The format
13 and scope of annual spending plans shall be developed by the
14 State Superintendent in conjunction with the Professional
15 Review Panel.

16 (9) No later than January 1, 2018, the State Superintendent
17 shall develop a 5-year strategic plan for all Organizational
18 Units to help in planning for adequacy funding under this
19 Section. The State Superintendent shall submit the plan to the
20 Governor and the General Assembly, as provided in Section 3.1
21 of the General Assembly Organization Act. The plan shall
22 include recommendations for:

23 (A) a framework for collaborative, professional,
24 innovative, and 21st century learning environments using
25 the Evidence-Based Funding model;

26 (B) ways to prepare and support this State's educators

1 for successful instructional careers;

2 (C) application and enhancement of the current
3 financial accountability measures, the approved State plan
4 to comply with the federal Every Student Succeeds Act, and
5 the Illinois Balanced Accountability Measures in relation
6 to student growth and elements of the Evidence-Based
7 Funding model; and

8 (D) implementation of an effective school adequacy
9 funding system based on projected and recommended funding
10 levels from the General Assembly.

11 (i) Professional Review Panel.

12 (1) A Professional Review Panel is created to study and
13 review the implementation and effect of the Evidence-Based
14 Funding model under this Section and to recommend continual
15 recalibration and future study topics and modifications to the
16 Evidence-Based Funding model. The Panel shall elect a
17 chairperson and vice chairperson by a majority vote of the
18 Panel and shall advance recommendations based on a majority
19 vote of the Panel. A minority opinion may also accompany any
20 recommendation of the majority of the Panel. The Panel shall be
21 appointed by the State Superintendent, except as otherwise
22 provided in paragraph (2) of this subsection (i) and include
23 the following members:

24 (A) Two appointees that represent district
25 superintendents, recommended by a statewide organization
26 that represents district superintendents.

1 (B) Two appointees that represent school boards,
2 recommended by a statewide organization that represents
3 school boards.

4 (C) Two appointees from districts that represent
5 school business officials, recommended by a statewide
6 organization that represents school business officials.

7 (D) Two appointees that represent school principals,
8 recommended by a statewide organization that represents
9 school principals.

10 (E) Two appointees that represent teachers,
11 recommended by a statewide organization that represents
12 teachers.

13 (F) Two appointees that represent teachers,
14 recommended by another statewide organization that
15 represents teachers.

16 (G) Two appointees that represent regional
17 superintendents of schools, recommended by organizations
18 that represent regional superintendents.

19 (H) Two independent experts selected solely by the
20 State Superintendent.

21 (I) Two independent experts recommended by public
22 universities in this State.

23 (J) One member recommended by a statewide organization
24 that represents parents.

25 (K) Two representatives recommended by collective
26 impact organizations that represent major metropolitan

1 areas or geographic areas in Illinois.

2 (L) One member from a statewide organization focused on
3 research-based education policy to support a school system
4 that prepares all students for college, a career, and
5 democratic citizenship.

6 (M) One representative from a school district
7 organized under Article 34 of this Code.

8 The State Superintendent shall ensure that the membership of
9 the Panel includes representatives from school districts and
10 communities reflecting the geographic, socio-economic, racial,
11 and ethnic diversity of this State. The State Superintendent
12 shall additionally ensure that the membership of the Panel
13 includes representatives with expertise in bilingual education
14 and special education. Staff from the State Board shall staff
15 the Panel.

16 (2) In addition to those Panel members appointed by the
17 State Superintendent, 4 members of the General Assembly shall
18 be appointed as follows: one member of the House of
19 Representatives appointed by the Speaker of the House of
20 Representatives, one member of the Senate appointed by the
21 President of the Senate, one member of the House of
22 Representatives appointed by the Minority Leader of the House
23 of Representatives, and one member of the Senate appointed by
24 the Minority Leader of the Senate. There shall be one
25 additional member appointed by the Governor. All members
26 appointed by legislative leaders or the Governor shall be

1 non-voting, ex officio members.

2 (3) On an annual basis, the State Superintendent shall
3 recalibrate the following per pupil elements of the Adequacy
4 Target and applied to the formulas, based on the Panel's study
5 of average expenses as reported in the most recent annual
6 financial report:

7 (A) gifted under subparagraph (M) of paragraph (2) of
8 subsection (b) of this Section;

9 (B) instructional materials under subparagraph (O) of
10 paragraph (2) of subsection (b) of this Section;

11 (C) assessment under subparagraph (P) of paragraph (2)
12 of subsection (b) of this Section;

13 (D) student activities under subparagraph (R) of
14 paragraph (2) of subsection (b) of this Section;

15 (E) maintenance and operations under subparagraph (S)
16 of paragraph (2) of subsection (b) of this Section; and

17 (F) central office under subparagraph (T) of paragraph
18 (2) of subsection (b) of this Section.

19 (4) On a periodic basis, the Panel shall study all the
20 following elements and make recommendations to the State Board,
21 the General Assembly, and the Governor for modification of this
22 Section:

23 (A) The format and scope of annual spending plans
24 referenced in subsection (h) paragraph (8) of this Section.

25 (B) The Comparable Wage Index under this Section, to be
26 studied by the Panel and reestablished by the State

1 Superintendent every 5 years.

2 (C) Maintenance and operations. Within 5 years after
3 the implementation of this Section, the Panel shall make
4 recommendations for the further study of maintenance and
5 operations costs, including capital maintenance costs, and
6 recommend any additional reporting data required from
7 Organizational Units.

8 (D) "At-risk student" definition. Within 5 years after
9 the implementation of this Section, the Panel shall make
10 recommendations for the further study and determination of
11 an "at-risk student" definition. Within 5 years after the
12 implementation of this Section, the Panel shall evaluate
13 and make recommendations regarding adequate funding for
14 poverty concentration under the Evidence-Based Funding
15 model.

16 (E) Benefits. Within 5 years after the implementation
17 of this Section, the Panel shall make recommendations for
18 further study of benefit costs.

19 (F) Technology. The per pupil target for technology
20 shall be reviewed every 3 years to determine whether
21 current allocations are sufficient to develop 21st century
22 learning in all classrooms in this State and supporting a
23 one-to-one technological device program in each school.
24 Recommendations shall be made no later than 3 years after
25 the implementation of this Section.

26 (G) Local Capacity Target. Within 3 years after the

1 implementation of this Section, the Panel shall make
2 recommendations for any additional data desired to analyze
3 possible modifications to the Local Capacity Target, to be
4 based on measures in addition to solely EAV and to be
5 completed within 5 years after implementation of this
6 Section.

7 (H) Funding for Alternative Schools, Laboratory
8 Schools, safe schools, and alternative learning
9 opportunities programs. By the beginning of the 2021-2022
10 school year, the Panel shall study and make recommendations
11 regarding the funding levels for Alternative Schools,
12 Laboratory Schools, safe schools, and alternative learning
13 opportunities programs in this State.

14 (I) Funding for college and career acceleration
15 strategies. By the beginning of the 2021-2022 school year,
16 the Panel shall study and make recommendations regarding
17 funding levels to support college and career acceleration
18 strategies in high school that have been demonstrated to
19 result in improved secondary and postsecondary outcomes,
20 including Advanced Placement, dual-credit opportunities,
21 and college and career pathway systems.

22 (J) Special education investments. By the beginning of
23 the 2021-2022 school year, the Panel shall study and make
24 recommendations on whether and how to account for
25 disability types within the special education funding
26 category.

1 (K) Early childhood investments. In collaboration with
2 the Illinois Early Learning Council, the Panel shall
3 include an analysis of what level of Preschool for All
4 Children funding would be necessary to serve all children
5 ages 0 through 5 years in the highest-priority service
6 tier, as specified in paragraph (4.5) of subsection (a) of
7 Section 2-3.71 of this Code, and an analysis of the
8 potential cost savings that that level of Preschool for All
9 Children investment would have on the kindergarten through
10 grade 12 system.

11 (5) Within 5 years after the implementation of this
12 Section, the Panel shall complete an evaluative study of the
13 entire Evidence-Based Funding model, including an assessment
14 of whether or not the formula is achieving State goals. The
15 Panel shall report to the State Board, the General Assembly,
16 and the Governor on the findings of the study.

17 (6) Within 3 years after the implementation of this
18 Section, the Panel shall evaluate and provide recommendations
19 to the Governor and the General Assembly on the hold-harmless
20 provisions of this Section found in the Base Funding Minimum.

21 (j) References. Beginning July 1, 2017, references in other
22 laws to general State aid funds or calculations under Section
23 18-8.05 of this Code shall be deemed to be references to
24 evidence-based model formula funds or calculations under this
25 Section.

1 (105 ILCS 5/18-9) (from Ch. 122, par. 18-9)

2 Sec. 18-9. Requirement for special equalization and
3 supplementary State aid. If property comprising an aggregate
4 assessed valuation equal to 6% or more of the total assessed
5 valuation of all taxable property in a school district is owned
6 by a person or corporation that is the subject of bankruptcy
7 proceedings or that has been adjudged bankrupt and, as a result
8 thereof, has not paid taxes on the property, then the district
9 may amend its general State aid or evidence-based funding claim
10 (i) back to the inception of the bankruptcy, not to exceed 6
11 years, in which time those taxes were not paid and (ii) for
12 each succeeding year that those taxes remain unpaid, by adding
13 to the claim an amount determined by multiplying the assessed
14 valuation of the property on which taxes have not been paid due
15 to the bankruptcy by the lesser of the total tax rate for the
16 district for the tax year for which the taxes are unpaid or the
17 applicable rate used in calculating the district's general
18 State aid under paragraph (3) of subsection (D) of Section
19 18-8.05 of this Code or evidence-based funding under Section
20 18-8.15 of this Code, as applicable. If at any time a district
21 that receives additional State aid under this Section receives
22 tax revenue from the property for the years that taxes were not
23 paid, the district's next claim for State aid shall be reduced
24 in an amount equal to the taxes paid on the property, not to
25 exceed the additional State aid received under this Section.
26 Claims under this Section shall be filed on forms prescribed by

1 the State Superintendent of Education, and the State
2 Superintendent of Education, upon receipt of a claim, shall
3 adjust the claim in accordance with the provisions of this
4 Section. Supplementary State aid for each succeeding year under
5 this Section shall be paid beginning with the first general
6 State aid or evidence-based funding claim paid after the
7 district has filed a completed claim in accordance with this
8 Section.

9 (Source: P.A. 95-496, eff. 8-28-07.)

10 (105 ILCS 5/18-12) (from Ch. 122, par. 18-12)

11 Sec. 18-12. Dates for filing State aid claims. The school
12 board of each school district, a regional office of education,
13 a laboratory school, or a State-authorized charter school shall
14 require teachers, principals, or superintendents to furnish
15 from records kept by them such data as it needs in preparing
16 and certifying to the State Superintendent of Education its
17 report of claims provided in Section 18-8.05 of this Code. The
18 claim shall be based on the latest available equalized assessed
19 valuation and tax rates, as provided in Section 18-8.05 or
20 18-8.15, shall use the average daily attendance as determined
21 by the method outlined in Section 18-8.05 or 18-8.15, and shall
22 be certified and filed with the State Superintendent of
23 Education by June 21 for districts and State-authorized charter
24 schools with an official school calendar end date before June
25 15 or within 2 weeks following the official school calendar end

1 date for districts, regional offices of education, laboratory
2 schools, or State-authorized charter schools with a school year
3 end date of June 15 or later. Failure to so file by these
4 deadlines constitutes a forfeiture of the right to receive
5 payment by the State until such claim is filed. The State
6 Superintendent of Education shall voucher for payment those
7 claims to the State Comptroller as provided in Section 18-11.

8 Except as otherwise provided in this Section, if any school
9 district fails to provide the minimum school term specified in
10 Section 10-19, the State aid claim for that year shall be
11 reduced by the State Superintendent of Education in an amount
12 equivalent to $1/176$ or .56818% for each day less than the
13 number of days required by this Code.

14 If the State Superintendent of Education determines that
15 the failure to provide the minimum school term was occasioned
16 by an act or acts of God, or was occasioned by conditions
17 beyond the control of the school district which posed a
18 hazardous threat to the health and safety of pupils, the State
19 aid claim need not be reduced.

20 If a school district is precluded from providing the
21 minimum hours of instruction required for a full day of
22 attendance due to an adverse weather condition or a condition
23 beyond the control of the school district that poses a
24 hazardous threat to the health and safety of students, then the
25 partial day of attendance may be counted if (i) the school
26 district has provided at least one hour of instruction prior to

1 the closure of the school district, (ii) a school building has
2 provided at least one hour of instruction prior to the closure
3 of the school building, or (iii) the normal start time of the
4 school district is delayed.

5 If, prior to providing any instruction, a school district
6 must close one or more but not all school buildings after
7 consultation with a local emergency response agency or due to a
8 condition beyond the control of the school district, then the
9 school district may claim attendance for up to 2 school days
10 based on the average attendance of the 3 school days
11 immediately preceding the closure of the affected school
12 building or, if approved by the State Board of Education,
13 utilize the provisions of an e-learning program for the
14 affected school building as prescribed in Section 10-20.56 of
15 this Code. The partial or no day of attendance described in
16 this Section and the reasons therefore shall be certified
17 within a month of the closing or delayed start by the school
18 district superintendent to the regional superintendent of
19 schools for forwarding to the State Superintendent of Education
20 for approval.

21 Other than the utilization of any e-learning days as
22 prescribed in Section 10-20.56 of this Code, no exception to
23 the requirement of providing a minimum school term may be
24 approved by the State Superintendent of Education pursuant to
25 this Section unless a school district has first used all
26 emergency days provided for in its regular calendar.

1 If the State Superintendent of Education declares that an
2 energy shortage exists during any part of the school year for
3 the State or a designated portion of the State, a district may
4 operate the school attendance centers within the district 4
5 days of the week during the time of the shortage by extending
6 each existing school day by one clock hour of school work, and
7 the State aid claim shall not be reduced, nor shall the
8 employees of that district suffer any reduction in salary or
9 benefits as a result thereof. A district may operate all
10 attendance centers on this revised schedule, or may apply the
11 schedule to selected attendance centers, taking into
12 consideration such factors as pupil transportation schedules
13 and patterns and sources of energy for individual attendance
14 centers.

15 Electronically submitted State aid claims shall be
16 submitted by duly authorized district individuals over a secure
17 network that is password protected. The electronic submission
18 of a State aid claim must be accompanied with an affirmation
19 that all of the provisions of Sections 18-8.05, 10-22.5, and
20 24-4 of this Code are met in all respects.

21 (Source: P.A. 99-194, eff. 7-30-15; 99-657, eff. 7-28-16.)

22 (105 ILCS 5/26-16)

23 Sec. 26-16. Graduation incentives program.

24 (a) The General Assembly finds that it is critical to
25 provide options for children to succeed in school. The purpose

1 of this Section is to provide incentives for and encourage all
2 Illinois students who have experienced or are experiencing
3 difficulty in the traditional education system to enroll in
4 alternative programs.

5 (b) Any student who is below the age of 20 years is
6 eligible to enroll in a graduation incentives program if he or
7 she:

8 (1) is considered a dropout pursuant to Section 26-2a
9 of this Code;

10 (2) has been suspended or expelled pursuant to Section
11 10-22.6 or 34-19 of this Code;

12 (3) is pregnant or is a parent;

13 (4) has been assessed as chemically dependent; or

14 (5) is enrolled in a bilingual education or LEP
15 program.

16 (c) The following programs qualify as graduation
17 incentives programs for students meeting the criteria
18 established in this Section:

19 (1) Any public elementary or secondary education
20 graduation incentives program established by a school
21 district or by a regional office of education.

22 (2) Any alternative learning opportunities program
23 established pursuant to Article 13B of this Code.

24 (3) Vocational or job training courses approved by the
25 State Superintendent of Education that are available
26 through the Illinois public community college system.

1 Students may apply for reimbursement of 50% of tuition
2 costs for one course per semester or a maximum of 3 courses
3 per school year. Subject to available funds, students may
4 apply for reimbursement of up to 100% of tuition costs upon
5 a showing of employment within 6 months after completion of
6 a vocational or job training program. The qualifications
7 for reimbursement shall be established by the State
8 Superintendent of Education by rule.

9 (4) Job and career programs approved by the State
10 Superintendent of Education that are available through
11 Illinois-accredited private business and vocational
12 schools. Subject to available funds, pupils may apply for
13 reimbursement of up to 100% of tuition costs upon a showing
14 of employment within 6 months after completion of a job or
15 career program. The State Superintendent of Education
16 shall establish, by rule, the qualifications for
17 reimbursement, criteria for determining reimbursement
18 amounts, and limits on reimbursement.

19 (5) Adult education courses that offer preparation for
20 high school equivalency testing.

21 (d) Graduation incentives programs established by school
22 districts are entitled to claim general State aid and
23 evidence-based funding, subject to Sections 13B-50, 13B-50.5,
24 and 13B-50.10 of this Code. Graduation incentives programs
25 operated by regional offices of education are entitled to
26 receive general State aid and evidence-based funding at the

1 foundation level of support per pupil enrolled. A school
2 district must ensure that its graduation incentives program
3 receives supplemental general State aid, transportation
4 reimbursements, and special education resources, if
5 appropriate, for students enrolled in the program.

6 (Source: P.A. 98-718, eff. 1-1-15.)

7 (105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

8 (Text of Section before amendment by P.A. 99-927)

9 Sec. 27-8.1. Health examinations and immunizations.

10 (1) In compliance with rules and regulations which the
11 Department of Public Health shall promulgate, and except as
12 hereinafter provided, all children in Illinois shall have a
13 health examination as follows: within one year prior to
14 entering kindergarten or the first grade of any public,
15 private, or parochial elementary school; upon entering the
16 sixth and ninth grades of any public, private, or parochial
17 school; prior to entrance into any public, private, or
18 parochial nursery school; and, irrespective of grade,
19 immediately prior to or upon entrance into any public, private,
20 or parochial school or nursery school, each child shall present
21 proof of having been examined in accordance with this Section
22 and the rules and regulations promulgated hereunder. Any child
23 who received a health examination within one year prior to
24 entering the fifth grade for the 2007-2008 school year is not
25 required to receive an additional health examination in order

1 to comply with the provisions of Public Act 95-422 when he or
2 she attends school for the 2008-2009 school year, unless the
3 child is attending school for the first time as provided in
4 this paragraph.

5 A tuberculosis skin test screening shall be included as a
6 required part of each health examination included under this
7 Section if the child resides in an area designated by the
8 Department of Public Health as having a high incidence of
9 tuberculosis. Additional health examinations of pupils,
10 including eye examinations, may be required when deemed
11 necessary by school authorities. Parents are encouraged to have
12 their children undergo eye examinations at the same points in
13 time required for health examinations.

14 (1.5) In compliance with rules adopted by the Department of
15 Public Health and except as otherwise provided in this Section,
16 all children in kindergarten and the second and sixth grades of
17 any public, private, or parochial school shall have a dental
18 examination. Each of these children shall present proof of
19 having been examined by a dentist in accordance with this
20 Section and rules adopted under this Section before May 15th of
21 the school year. If a child in the second or sixth grade fails
22 to present proof by May 15th, the school may hold the child's
23 report card until one of the following occurs: (i) the child
24 presents proof of a completed dental examination or (ii) the
25 child presents proof that a dental examination will take place
26 within 60 days after May 15th. The Department of Public Health

1 shall establish, by rule, a waiver for children who show an
2 undue burden or a lack of access to a dentist. Each public,
3 private, and parochial school must give notice of this dental
4 examination requirement to the parents and guardians of
5 students at least 60 days before May 15th of each school year.

6 (1.10) Except as otherwise provided in this Section, all
7 children enrolling in kindergarten in a public, private, or
8 parochial school on or after the effective date of this
9 amendatory Act of the 95th General Assembly and any student
10 enrolling for the first time in a public, private, or parochial
11 school on or after the effective date of this amendatory Act of
12 the 95th General Assembly shall have an eye examination. Each
13 of these children shall present proof of having been examined
14 by a physician licensed to practice medicine in all of its
15 branches or a licensed optometrist within the previous year, in
16 accordance with this Section and rules adopted under this
17 Section, before October 15th of the school year. If the child
18 fails to present proof by October 15th, the school may hold the
19 child's report card until one of the following occurs: (i) the
20 child presents proof of a completed eye examination or (ii) the
21 child presents proof that an eye examination will take place
22 within 60 days after October 15th. The Department of Public
23 Health shall establish, by rule, a waiver for children who show
24 an undue burden or a lack of access to a physician licensed to
25 practice medicine in all of its branches who provides eye
26 examinations or to a licensed optometrist. Each public,

1 private, and parochial school must give notice of this eye
2 examination requirement to the parents and guardians of
3 students in compliance with rules of the Department of Public
4 Health. Nothing in this Section shall be construed to allow a
5 school to exclude a child from attending because of a parent's
6 or guardian's failure to obtain an eye examination for the
7 child.

8 (2) The Department of Public Health shall promulgate rules
9 and regulations specifying the examinations and procedures
10 that constitute a health examination, which shall include the
11 collection of data relating to obesity (including at a minimum,
12 date of birth, gender, height, weight, blood pressure, and date
13 of exam), and a dental examination and may recommend by rule
14 that certain additional examinations be performed. The rules
15 and regulations of the Department of Public Health shall
16 specify that a tuberculosis skin test screening shall be
17 included as a required part of each health examination included
18 under this Section if the child resides in an area designated
19 by the Department of Public Health as having a high incidence
20 of tuberculosis. The Department of Public Health shall specify
21 that a diabetes screening as defined by rule shall be included
22 as a required part of each health examination. Diabetes testing
23 is not required.

24 Physicians licensed to practice medicine in all of its
25 branches, licensed advanced practice nurses, or licensed
26 physician assistants shall be responsible for the performance

1 of the health examinations, other than dental examinations, eye
2 examinations, and vision and hearing screening, and shall sign
3 all report forms required by subsection (4) of this Section
4 that pertain to those portions of the health examination for
5 which the physician, advanced practice nurse, or physician
6 assistant is responsible. If a registered nurse performs any
7 part of a health examination, then a physician licensed to
8 practice medicine in all of its branches must review and sign
9 all required report forms. Licensed dentists shall perform all
10 dental examinations and shall sign all report forms required by
11 subsection (4) of this Section that pertain to the dental
12 examinations. Physicians licensed to practice medicine in all
13 its branches or licensed optometrists shall perform all eye
14 examinations required by this Section and shall sign all report
15 forms required by subsection (4) of this Section that pertain
16 to the eye examination. For purposes of this Section, an eye
17 examination shall at a minimum include history, visual acuity,
18 subjective refraction to best visual acuity near and far,
19 internal and external examination, and a glaucoma evaluation,
20 as well as any other tests or observations that in the
21 professional judgment of the doctor are necessary. Vision and
22 hearing screening tests, which shall not be considered
23 examinations as that term is used in this Section, shall be
24 conducted in accordance with rules and regulations of the
25 Department of Public Health, and by individuals whom the
26 Department of Public Health has certified. In these rules and

1 regulations, the Department of Public Health shall require that
2 individuals conducting vision screening tests give a child's
3 parent or guardian written notification, before the vision
4 screening is conducted, that states, "Vision screening is not a
5 substitute for a complete eye and vision evaluation by an eye
6 doctor. Your child is not required to undergo this vision
7 screening if an optometrist or ophthalmologist has completed
8 and signed a report form indicating that an examination has
9 been administered within the previous 12 months."

10 (3) Every child shall, at or about the same time as he or
11 she receives a health examination required by subsection (1) of
12 this Section, present to the local school proof of having
13 received such immunizations against preventable communicable
14 diseases as the Department of Public Health shall require by
15 rules and regulations promulgated pursuant to this Section and
16 the Communicable Disease Prevention Act.

17 (4) The individuals conducting the health examination,
18 dental examination, or eye examination shall record the fact of
19 having conducted the examination, and such additional
20 information as required, including for a health examination
21 data relating to obesity (including at a minimum, date of
22 birth, gender, height, weight, blood pressure, and date of
23 exam), on uniform forms which the Department of Public Health
24 and the State Board of Education shall prescribe for statewide
25 use. The examiner shall summarize on the report form any
26 condition that he or she suspects indicates a need for special

1 services, including for a health examination factors relating
2 to obesity. The individuals confirming the administration of
3 required immunizations shall record as indicated on the form
4 that the immunizations were administered.

5 (5) If a child does not submit proof of having had either
6 the health examination or the immunization as required, then
7 the child shall be examined or receive the immunization, as the
8 case may be, and present proof by October 15 of the current
9 school year, or by an earlier date of the current school year
10 established by a school district. To establish a date before
11 October 15 of the current school year for the health
12 examination or immunization as required, a school district must
13 give notice of the requirements of this Section 60 days prior
14 to the earlier established date. If for medical reasons one or
15 more of the required immunizations must be given after October
16 15 of the current school year, or after an earlier established
17 date of the current school year, then the child shall present,
18 by October 15, or by the earlier established date, a schedule
19 for the administration of the immunizations and a statement of
20 the medical reasons causing the delay, both the schedule and
21 the statement being issued by the physician, advanced practice
22 nurse, physician assistant, registered nurse, or local health
23 department that will be responsible for administration of the
24 remaining required immunizations. If a child does not comply by
25 October 15, or by the earlier established date of the current
26 school year, with the requirements of this subsection, then the

1 local school authority shall exclude that child from school
2 until such time as the child presents proof of having had the
3 health examination as required and presents proof of having
4 received those required immunizations which are medically
5 possible to receive immediately. During a child's exclusion
6 from school for noncompliance with this subsection, the child's
7 parents or legal guardian shall be considered in violation of
8 Section 26-1 and subject to any penalty imposed by Section
9 26-10. This subsection (5) does not apply to dental
10 examinations and eye examinations. If the student is an
11 out-of-state transfer student and does not have the proof
12 required under this subsection (5) before October 15 of the
13 current year or whatever date is set by the school district,
14 then he or she may only attend classes (i) if he or she has
15 proof that an appointment for the required vaccinations has
16 been scheduled with a party authorized to submit proof of the
17 required vaccinations. If the proof of vaccination required
18 under this subsection (5) is not submitted within 30 days after
19 the student is permitted to attend classes, then the student is
20 not to be permitted to attend classes until proof of the
21 vaccinations has been properly submitted. No school district or
22 employee of a school district shall be held liable for any
23 injury or illness to another person that results from admitting
24 an out-of-state transfer student to class that has an
25 appointment scheduled pursuant to this subsection (5).

26 (6) Every school shall report to the State Board of

1 Education by November 15, in the manner which that agency shall
2 require, the number of children who have received the necessary
3 immunizations and the health examination (other than a dental
4 examination or eye examination) as required, indicating, of
5 those who have not received the immunizations and examination
6 as required, the number of children who are exempt from health
7 examination and immunization requirements on religious or
8 medical grounds as provided in subsection (8). On or before
9 December 1 of each year, every public school district and
10 registered nonpublic school shall make publicly available the
11 immunization data they are required to submit to the State
12 Board of Education by November 15. The immunization data made
13 publicly available must be identical to the data the school
14 district or school has reported to the State Board of
15 Education.

16 Every school shall report to the State Board of Education
17 by June 30, in the manner that the State Board requires, the
18 number of children who have received the required dental
19 examination, indicating, of those who have not received the
20 required dental examination, the number of children who are
21 exempt from the dental examination on religious grounds as
22 provided in subsection (8) of this Section and the number of
23 children who have received a waiver under subsection (1.5) of
24 this Section.

25 Every school shall report to the State Board of Education
26 by June 30, in the manner that the State Board requires, the

1 number of children who have received the required eye
2 examination, indicating, of those who have not received the
3 required eye examination, the number of children who are exempt
4 from the eye examination as provided in subsection (8) of this
5 Section, the number of children who have received a waiver
6 under subsection (1.10) of this Section, and the total number
7 of children in noncompliance with the eye examination
8 requirement.

9 The reported information under this subsection (6) shall be
10 provided to the Department of Public Health by the State Board
11 of Education.

12 (7) Upon determining that the number of pupils who are
13 required to be in compliance with subsection (5) of this
14 Section is below 90% of the number of pupils enrolled in the
15 school district, 10% of each State aid payment made pursuant to
16 Section 18-8.05 or 18-8.15 to the school district for such year
17 may be withheld by the State Board of Education until the
18 number of students in compliance with subsection (5) is the
19 applicable specified percentage or higher.

20 (8) Children of parents or legal guardians who object to
21 health, dental, or eye examinations or any part thereof, to
22 immunizations, or to vision and hearing screening tests on
23 religious grounds shall not be required to undergo the
24 examinations, tests, or immunizations to which they so object
25 if such parents or legal guardians present to the appropriate
26 local school authority a signed Certificate of Religious

1 Exemption detailing the grounds for objection and the specific
2 immunizations, tests, or examinations to which they object. The
3 grounds for objection must set forth the specific religious
4 belief that conflicts with the examination, test,
5 immunization, or other medical intervention. The signed
6 certificate shall also reflect the parent's or legal guardian's
7 understanding of the school's exclusion policies in the case of
8 a vaccine-preventable disease outbreak or exposure. The
9 certificate must also be signed by the authorized examining
10 health care provider responsible for the performance of the
11 child's health examination confirming that the provider
12 provided education to the parent or legal guardian on the
13 benefits of immunization and the health risks to the student
14 and to the community of the communicable diseases for which
15 immunization is required in this State. However, the health
16 care provider's signature on the certificate reflects only that
17 education was provided and does not allow a health care
18 provider grounds to determine a religious exemption. Those
19 receiving immunizations required under this Code shall be
20 provided with the relevant vaccine information statements that
21 are required to be disseminated by the federal National
22 Childhood Vaccine Injury Act of 1986, which may contain
23 information on circumstances when a vaccine should not be
24 administered, prior to administering a vaccine. A healthcare
25 provider may consider including without limitation the
26 nationally accepted recommendations from federal agencies such

1 as the Advisory Committee on Immunization Practices, the
2 information outlined in the relevant vaccine information
3 statement, and vaccine package inserts, along with the
4 healthcare provider's clinical judgment, to determine whether
5 any child may be more susceptible to experiencing an adverse
6 vaccine reaction than the general population, and, if so, the
7 healthcare provider may exempt the child from an immunization
8 or adopt an individualized immunization schedule. The
9 Certificate of Religious Exemption shall be created by the
10 Department of Public Health and shall be made available and
11 used by parents and legal guardians by the beginning of the
12 2015-2016 school year. Parents or legal guardians must submit
13 the Certificate of Religious Exemption to their local school
14 authority prior to entering kindergarten, sixth grade, and
15 ninth grade for each child for which they are requesting an
16 exemption. The religious objection stated need not be directed
17 by the tenets of an established religious organization.
18 However, general philosophical or moral reluctance to allow
19 physical examinations, eye examinations, immunizations, vision
20 and hearing screenings, or dental examinations does not provide
21 a sufficient basis for an exception to statutory requirements.
22 The local school authority is responsible for determining if
23 the content of the Certificate of Religious Exemption
24 constitutes a valid religious objection. The local school
25 authority shall inform the parent or legal guardian of
26 exclusion procedures, in accordance with the Department's

1 rules under Part 690 of Title 77 of the Illinois Administrative
2 Code, at the time the objection is presented.

3 If the physical condition of the child is such that any one
4 or more of the immunizing agents should not be administered,
5 the examining physician, advanced practice nurse, or physician
6 assistant responsible for the performance of the health
7 examination shall endorse that fact upon the health examination
8 form.

9 Exempting a child from the health, dental, or eye
10 examination does not exempt the child from participation in the
11 program of physical education training provided in Sections
12 27-5 through 27-7 of this Code.

13 (9) For the purposes of this Section, "nursery schools"
14 means those nursery schools operated by elementary school
15 systems or secondary level school units or institutions of
16 higher learning.

17 (Source: P.A. 98-673, eff. 6-30-14; 99-173, eff. 7-29-15;
18 99-249, eff. 8-3-15; 99-642, eff. 7-28-16.)

19 (Text of Section after amendment by P.A. 99-927)

20 Sec. 27-8.1. Health examinations and immunizations.

21 (1) In compliance with rules and regulations which the
22 Department of Public Health shall promulgate, and except as
23 hereinafter provided, all children in Illinois shall have a
24 health examination as follows: within one year prior to
25 entering kindergarten or the first grade of any public,

1 private, or parochial elementary school; upon entering the
2 sixth and ninth grades of any public, private, or parochial
3 school; prior to entrance into any public, private, or
4 parochial nursery school; and, irrespective of grade,
5 immediately prior to or upon entrance into any public, private,
6 or parochial school or nursery school, each child shall present
7 proof of having been examined in accordance with this Section
8 and the rules and regulations promulgated hereunder. Any child
9 who received a health examination within one year prior to
10 entering the fifth grade for the 2007-2008 school year is not
11 required to receive an additional health examination in order
12 to comply with the provisions of Public Act 95-422 when he or
13 she attends school for the 2008-2009 school year, unless the
14 child is attending school for the first time as provided in
15 this paragraph.

16 A tuberculosis skin test screening shall be included as a
17 required part of each health examination included under this
18 Section if the child resides in an area designated by the
19 Department of Public Health as having a high incidence of
20 tuberculosis. Additional health examinations of pupils,
21 including eye examinations, may be required when deemed
22 necessary by school authorities. Parents are encouraged to have
23 their children undergo eye examinations at the same points in
24 time required for health examinations.

25 (1.5) In compliance with rules adopted by the Department of
26 Public Health and except as otherwise provided in this Section,

1 all children in kindergarten and the second and sixth grades of
2 any public, private, or parochial school shall have a dental
3 examination. Each of these children shall present proof of
4 having been examined by a dentist in accordance with this
5 Section and rules adopted under this Section before May 15th of
6 the school year. If a child in the second or sixth grade fails
7 to present proof by May 15th, the school may hold the child's
8 report card until one of the following occurs: (i) the child
9 presents proof of a completed dental examination or (ii) the
10 child presents proof that a dental examination will take place
11 within 60 days after May 15th. The Department of Public Health
12 shall establish, by rule, a waiver for children who show an
13 undue burden or a lack of access to a dentist. Each public,
14 private, and parochial school must give notice of this dental
15 examination requirement to the parents and guardians of
16 students at least 60 days before May 15th of each school year.

17 (1.10) Except as otherwise provided in this Section, all
18 children enrolling in kindergarten in a public, private, or
19 parochial school on or after the effective date of this
20 amendatory Act of the 95th General Assembly and any student
21 enrolling for the first time in a public, private, or parochial
22 school on or after the effective date of this amendatory Act of
23 the 95th General Assembly shall have an eye examination. Each
24 of these children shall present proof of having been examined
25 by a physician licensed to practice medicine in all of its
26 branches or a licensed optometrist within the previous year, in

1 accordance with this Section and rules adopted under this
2 Section, before October 15th of the school year. If the child
3 fails to present proof by October 15th, the school may hold the
4 child's report card until one of the following occurs: (i) the
5 child presents proof of a completed eye examination or (ii) the
6 child presents proof that an eye examination will take place
7 within 60 days after October 15th. The Department of Public
8 Health shall establish, by rule, a waiver for children who show
9 an undue burden or a lack of access to a physician licensed to
10 practice medicine in all of its branches who provides eye
11 examinations or to a licensed optometrist. Each public,
12 private, and parochial school must give notice of this eye
13 examination requirement to the parents and guardians of
14 students in compliance with rules of the Department of Public
15 Health. Nothing in this Section shall be construed to allow a
16 school to exclude a child from attending because of a parent's
17 or guardian's failure to obtain an eye examination for the
18 child.

19 (2) The Department of Public Health shall promulgate rules
20 and regulations specifying the examinations and procedures
21 that constitute a health examination, which shall include an
22 age-appropriate developmental screening, an age-appropriate
23 social and emotional screening, and the collection of data
24 relating to obesity (including at a minimum, date of birth,
25 gender, height, weight, blood pressure, and date of exam), and
26 a dental examination and may recommend by rule that certain

1 additional examinations be performed. The rules and
2 regulations of the Department of Public Health shall specify
3 that a tuberculosis skin test screening shall be included as a
4 required part of each health examination included under this
5 Section if the child resides in an area designated by the
6 Department of Public Health as having a high incidence of
7 tuberculosis. With respect to the developmental screening and
8 the social and emotional screening, the Department of Public
9 Health must develop rules and appropriate revisions to the
10 Child Health Examination form in conjunction with a statewide
11 organization representing school boards; a statewide
12 organization representing pediatricians; statewide
13 organizations representing individuals holding Illinois
14 educator licenses with school support personnel endorsements,
15 including school social workers, school psychologists, and
16 school nurses; a statewide organization representing
17 children's mental health experts; a statewide organization
18 representing school principals; the Director of Healthcare and
19 Family Services or his or her designee, the State
20 Superintendent of Education or his or her designee; and
21 representatives of other appropriate State agencies and, at a
22 minimum, must recommend the use of validated screening tools
23 appropriate to the child's age or grade, and, with regard to
24 the social and emotional screening, require recording only
25 whether or not the screening was completed. The rules shall
26 take into consideration the screening recommendations of the

1 American Academy of Pediatrics and must be consistent with the
2 State Board of Education's social and emotional learning
3 standards. The Department of Public Health shall specify that a
4 diabetes screening as defined by rule shall be included as a
5 required part of each health examination. Diabetes testing is
6 not required.

7 Physicians licensed to practice medicine in all of its
8 branches, licensed advanced practice nurses, or licensed
9 physician assistants shall be responsible for the performance
10 of the health examinations, other than dental examinations, eye
11 examinations, and vision and hearing screening, and shall sign
12 all report forms required by subsection (4) of this Section
13 that pertain to those portions of the health examination for
14 which the physician, advanced practice nurse, or physician
15 assistant is responsible. If a registered nurse performs any
16 part of a health examination, then a physician licensed to
17 practice medicine in all of its branches must review and sign
18 all required report forms. Licensed dentists shall perform all
19 dental examinations and shall sign all report forms required by
20 subsection (4) of this Section that pertain to the dental
21 examinations. Physicians licensed to practice medicine in all
22 its branches or licensed optometrists shall perform all eye
23 examinations required by this Section and shall sign all report
24 forms required by subsection (4) of this Section that pertain
25 to the eye examination. For purposes of this Section, an eye
26 examination shall at a minimum include history, visual acuity,

1 subjective refraction to best visual acuity near and far,
2 internal and external examination, and a glaucoma evaluation,
3 as well as any other tests or observations that in the
4 professional judgment of the doctor are necessary. Vision and
5 hearing screening tests, which shall not be considered
6 examinations as that term is used in this Section, shall be
7 conducted in accordance with rules and regulations of the
8 Department of Public Health, and by individuals whom the
9 Department of Public Health has certified. In these rules and
10 regulations, the Department of Public Health shall require that
11 individuals conducting vision screening tests give a child's
12 parent or guardian written notification, before the vision
13 screening is conducted, that states, "Vision screening is not a
14 substitute for a complete eye and vision evaluation by an eye
15 doctor. Your child is not required to undergo this vision
16 screening if an optometrist or ophthalmologist has completed
17 and signed a report form indicating that an examination has
18 been administered within the previous 12 months."

19 (2.5) With respect to the developmental screening and the
20 social and emotional screening portion of the health
21 examination, each child may present proof of having been
22 screened in accordance with this Section and the rules adopted
23 under this Section before October 15th of the school year. With
24 regard to the social and emotional screening only, the
25 examining health care provider shall only record whether or not
26 the screening was completed. If the child fails to present

1 proof of the developmental screening or the social and
2 emotional screening portions of the health examination by
3 October 15th of the school year, qualified school support
4 personnel may, with a parent's or guardian's consent, offer the
5 developmental screening or the social and emotional screening
6 to the child. Each public, private, and parochial school must
7 give notice of the developmental screening and social and
8 emotional screening requirements to the parents and guardians
9 of students in compliance with the rules of the Department of
10 Public Health. Nothing in this Section shall be construed to
11 allow a school to exclude a child from attending because of a
12 parent's or guardian's failure to obtain a developmental
13 screening or a social and emotional screening for the child.
14 Once a developmental screening or a social and emotional
15 screening is completed and proof has been presented to the
16 school, the school may, with a parent's or guardian's consent,
17 make available appropriate school personnel to work with the
18 parent or guardian, the child, and the provider who signed the
19 screening form to obtain any appropriate evaluations and
20 services as indicated on the form and in other information and
21 documentation provided by the parents, guardians, or provider.

22 (3) Every child shall, at or about the same time as he or
23 she receives a health examination required by subsection (1) of
24 this Section, present to the local school proof of having
25 received such immunizations against preventable communicable
26 diseases as the Department of Public Health shall require by

1 rules and regulations promulgated pursuant to this Section and
2 the Communicable Disease Prevention Act.

3 (4) The individuals conducting the health examination,
4 dental examination, or eye examination shall record the fact of
5 having conducted the examination, and such additional
6 information as required, including for a health examination
7 data relating to obesity (including at a minimum, date of
8 birth, gender, height, weight, blood pressure, and date of
9 exam), on uniform forms which the Department of Public Health
10 and the State Board of Education shall prescribe for statewide
11 use. The examiner shall summarize on the report form any
12 condition that he or she suspects indicates a need for special
13 services, including for a health examination factors relating
14 to obesity. The duty to summarize on the report form does not
15 apply to social and emotional screenings. The confidentiality
16 of the information and records relating to the developmental
17 screening and the social and emotional screening shall be
18 determined by the statutes, rules, and professional ethics
19 governing the type of provider conducting the screening. The
20 individuals confirming the administration of required
21 immunizations shall record as indicated on the form that the
22 immunizations were administered.

23 (5) If a child does not submit proof of having had either
24 the health examination or the immunization as required, then
25 the child shall be examined or receive the immunization, as the
26 case may be, and present proof by October 15 of the current

1 school year, or by an earlier date of the current school year
2 established by a school district. To establish a date before
3 October 15 of the current school year for the health
4 examination or immunization as required, a school district must
5 give notice of the requirements of this Section 60 days prior
6 to the earlier established date. If for medical reasons one or
7 more of the required immunizations must be given after October
8 15 of the current school year, or after an earlier established
9 date of the current school year, then the child shall present,
10 by October 15, or by the earlier established date, a schedule
11 for the administration of the immunizations and a statement of
12 the medical reasons causing the delay, both the schedule and
13 the statement being issued by the physician, advanced practice
14 nurse, physician assistant, registered nurse, or local health
15 department that will be responsible for administration of the
16 remaining required immunizations. If a child does not comply by
17 October 15, or by the earlier established date of the current
18 school year, with the requirements of this subsection, then the
19 local school authority shall exclude that child from school
20 until such time as the child presents proof of having had the
21 health examination as required and presents proof of having
22 received those required immunizations which are medically
23 possible to receive immediately. During a child's exclusion
24 from school for noncompliance with this subsection, the child's
25 parents or legal guardian shall be considered in violation of
26 Section 26-1 and subject to any penalty imposed by Section

1 26-10. This subsection (5) does not apply to dental
2 examinations, eye examinations, and the developmental
3 screening and the social and emotional screening portions of
4 the health examination. If the student is an out-of-state
5 transfer student and does not have the proof required under
6 this subsection (5) before October 15 of the current year or
7 whatever date is set by the school district, then he or she may
8 only attend classes (i) if he or she has proof that an
9 appointment for the required vaccinations has been scheduled
10 with a party authorized to submit proof of the required
11 vaccinations. If the proof of vaccination required under this
12 subsection (5) is not submitted within 30 days after the
13 student is permitted to attend classes, then the student is not
14 to be permitted to attend classes until proof of the
15 vaccinations has been properly submitted. No school district or
16 employee of a school district shall be held liable for any
17 injury or illness to another person that results from admitting
18 an out-of-state transfer student to class that has an
19 appointment scheduled pursuant to this subsection (5).

20 (6) Every school shall report to the State Board of
21 Education by November 15, in the manner which that agency shall
22 require, the number of children who have received the necessary
23 immunizations and the health examination (other than a dental
24 examination or eye examination) as required, indicating, of
25 those who have not received the immunizations and examination
26 as required, the number of children who are exempt from health

1 examination and immunization requirements on religious or
2 medical grounds as provided in subsection (8). On or before
3 December 1 of each year, every public school district and
4 registered nonpublic school shall make publicly available the
5 immunization data they are required to submit to the State
6 Board of Education by November 15. The immunization data made
7 publicly available must be identical to the data the school
8 district or school has reported to the State Board of
9 Education.

10 Every school shall report to the State Board of Education
11 by June 30, in the manner that the State Board requires, the
12 number of children who have received the required dental
13 examination, indicating, of those who have not received the
14 required dental examination, the number of children who are
15 exempt from the dental examination on religious grounds as
16 provided in subsection (8) of this Section and the number of
17 children who have received a waiver under subsection (1.5) of
18 this Section.

19 Every school shall report to the State Board of Education
20 by June 30, in the manner that the State Board requires, the
21 number of children who have received the required eye
22 examination, indicating, of those who have not received the
23 required eye examination, the number of children who are exempt
24 from the eye examination as provided in subsection (8) of this
25 Section, the number of children who have received a waiver
26 under subsection (1.10) of this Section, and the total number

1 of children in noncompliance with the eye examination
2 requirement.

3 The reported information under this subsection (6) shall be
4 provided to the Department of Public Health by the State Board
5 of Education.

6 (7) Upon determining that the number of pupils who are
7 required to be in compliance with subsection (5) of this
8 Section is below 90% of the number of pupils enrolled in the
9 school district, 10% of each State aid payment made pursuant to
10 Section 18-8.05 or 18-8.15 to the school district for such year
11 may be withheld by the State Board of Education until the
12 number of students in compliance with subsection (5) is the
13 applicable specified percentage or higher.

14 (8) Children of parents or legal guardians who object to
15 health, dental, or eye examinations or any part thereof, to
16 immunizations, or to vision and hearing screening tests on
17 religious grounds shall not be required to undergo the
18 examinations, tests, or immunizations to which they so object
19 if such parents or legal guardians present to the appropriate
20 local school authority a signed Certificate of Religious
21 Exemption detailing the grounds for objection and the specific
22 immunizations, tests, or examinations to which they object. The
23 grounds for objection must set forth the specific religious
24 belief that conflicts with the examination, test,
25 immunization, or other medical intervention. The signed
26 certificate shall also reflect the parent's or legal guardian's

1 understanding of the school's exclusion policies in the case of
2 a vaccine-preventable disease outbreak or exposure. The
3 certificate must also be signed by the authorized examining
4 health care provider responsible for the performance of the
5 child's health examination confirming that the provider
6 provided education to the parent or legal guardian on the
7 benefits of immunization and the health risks to the student
8 and to the community of the communicable diseases for which
9 immunization is required in this State. However, the health
10 care provider's signature on the certificate reflects only that
11 education was provided and does not allow a health care
12 provider grounds to determine a religious exemption. Those
13 receiving immunizations required under this Code shall be
14 provided with the relevant vaccine information statements that
15 are required to be disseminated by the federal National
16 Childhood Vaccine Injury Act of 1986, which may contain
17 information on circumstances when a vaccine should not be
18 administered, prior to administering a vaccine. A healthcare
19 provider may consider including without limitation the
20 nationally accepted recommendations from federal agencies such
21 as the Advisory Committee on Immunization Practices, the
22 information outlined in the relevant vaccine information
23 statement, and vaccine package inserts, along with the
24 healthcare provider's clinical judgment, to determine whether
25 any child may be more susceptible to experiencing an adverse
26 vaccine reaction than the general population, and, if so, the

1 healthcare provider may exempt the child from an immunization
2 or adopt an individualized immunization schedule. The
3 Certificate of Religious Exemption shall be created by the
4 Department of Public Health and shall be made available and
5 used by parents and legal guardians by the beginning of the
6 2015-2016 school year. Parents or legal guardians must submit
7 the Certificate of Religious Exemption to their local school
8 authority prior to entering kindergarten, sixth grade, and
9 ninth grade for each child for which they are requesting an
10 exemption. The religious objection stated need not be directed
11 by the tenets of an established religious organization.
12 However, general philosophical or moral reluctance to allow
13 physical examinations, eye examinations, immunizations, vision
14 and hearing screenings, or dental examinations does not provide
15 a sufficient basis for an exception to statutory requirements.
16 The local school authority is responsible for determining if
17 the content of the Certificate of Religious Exemption
18 constitutes a valid religious objection. The local school
19 authority shall inform the parent or legal guardian of
20 exclusion procedures, in accordance with the Department's
21 rules under Part 690 of Title 77 of the Illinois Administrative
22 Code, at the time the objection is presented.

23 If the physical condition of the child is such that any one
24 or more of the immunizing agents should not be administered,
25 the examining physician, advanced practice nurse, or physician
26 assistant responsible for the performance of the health

1 examination shall endorse that fact upon the health examination
2 form.

3 Exempting a child from the health, dental, or eye
4 examination does not exempt the child from participation in the
5 program of physical education training provided in Sections
6 27-5 through 27-7 of this Code.

7 (9) For the purposes of this Section, "nursery schools"
8 means those nursery schools operated by elementary school
9 systems or secondary level school units or institutions of
10 higher learning.

11 (Source: P.A. 98-673, eff. 6-30-14; 99-173, eff. 7-29-15;
12 99-249, eff. 8-3-15; 99-642, eff. 7-28-16; 99-927, eff.
13 6-1-17.)

14 (105 ILCS 5/27A-9)

15 Sec. 27A-9. Term of charter; renewal.

16 (a) For charters granted before January 1, 2017 (the
17 effective date of Public Act 99-840) ~~this amendatory Act of the~~
18 ~~99th General Assembly~~, a charter may be granted for a period
19 not less than 5 and not more than 10 school years. For charters
20 granted on or after January 1, 2017 (the effective date of
21 Public Act 99-840) ~~this amendatory Act of the 99th General~~
22 ~~Assembly~~, a charter shall be granted for a period of 5 school
23 years. For charters renewed before January 1, 2017 (the
24 effective date of Public Act 99-840) ~~this amendatory Act of the~~
25 ~~99th General Assembly~~, a charter may be renewed in incremental

1 periods not to exceed 5 school years. For charters renewed on
2 or after January 1, 2017 (the effective date of Public Act
3 99-840) ~~this amendatory Act of the 99th General Assembly~~, a
4 charter may be renewed in incremental periods not to exceed 10
5 school years; however, the Commission may renew a charter only
6 in incremental periods not to exceed 5 years. Authorizers shall
7 ensure that every charter granted on or after January 1, 2017
8 (the effective date of Public Act 99-840) ~~this amendatory Act~~
9 ~~of the 99th General Assembly~~ includes standards and goals for
10 academic, organizational, and financial performance. A charter
11 must meet all standards and goals for academic, organizational,
12 and financial performance set forth by the authorizer in order
13 to be renewed for a term in excess of 5 years but not more than
14 10 years. If an authorizer fails to establish standards and
15 goals, a charter shall not be renewed for a term in excess of 5
16 years. Nothing contained in this Section shall require an
17 authorizer to grant a full 10-year renewal term to any
18 particular charter school, but an authorizer may award a full
19 10-year renewal term to charter schools that have a
20 demonstrated track record of improving student performance.

21 (b) A charter school renewal proposal submitted to the
22 local school board or the Commission, as the chartering entity,
23 shall contain:

24 (1) A report on the progress of the charter school in
25 achieving the goals, objectives, pupil performance
26 standards, content standards, and other terms of the

1 initial approved charter proposal; and

2 (2) A financial statement that discloses the costs of
3 administration, instruction, and other spending categories
4 for the charter school that is understandable to the
5 general public and that will allow comparison of those
6 costs to other schools or other comparable organizations,
7 in a format required by the State Board.

8 (c) A charter may be revoked or not renewed if the local
9 school board or the Commission, as the chartering entity,
10 clearly demonstrates that the charter school did any of the
11 following, or otherwise failed to comply with the requirements
12 of this law:

13 (1) Committed a material violation of any of the
14 conditions, standards, or procedures set forth in the
15 charter.

16 (2) Failed to meet or make reasonable progress toward
17 achievement of the content standards or pupil performance
18 standards identified in the charter.

19 (3) Failed to meet generally accepted standards of
20 fiscal management.

21 (4) Violated any provision of law from which the
22 charter school was not exempted.

23 In the case of revocation, the local school board or the
24 Commission, as the chartering entity, shall notify the charter
25 school in writing of the reason why the charter is subject to
26 revocation. The charter school shall submit a written plan to

1 the local school board or the Commission, whichever is
2 applicable, to rectify the problem. The plan shall include a
3 timeline for implementation, which shall not exceed 2 years or
4 the date of the charter's expiration, whichever is earlier. If
5 the local school board or the Commission, as the chartering
6 entity, finds that the charter school has failed to implement
7 the plan of remediation and adhere to the timeline, then the
8 chartering entity shall revoke the charter. Except in
9 situations of an emergency where the health, safety, or
10 education of the charter school's students is at risk, the
11 revocation shall take place at the end of a school year.
12 Nothing in Public Act 96-105 ~~this amendatory Act of the 96th~~
13 ~~General Assembly~~ shall be construed to prohibit an
14 implementation timetable that is less than 2 years in duration.

15 (d) (Blank).

16 (e) Notice of a local school board's decision to deny,
17 revoke, or not ~~to~~ renew a charter shall be provided to the
18 Commission and the State Board. The Commission may reverse a
19 local board's decision if the Commission finds that the charter
20 school or charter school proposal (i) is in compliance with
21 this Article, and (ii) is in the best interests of the students
22 it is designed to serve. The Commission may condition the
23 granting of an appeal on the acceptance by the charter school
24 of funding in an amount less than that requested in the
25 proposal submitted to the local school board. Final decisions
26 of the Commission shall be subject to judicial review under the

1 Administrative Review Law.

2 (f) Notwithstanding other provisions of this Article, if
3 the Commission on appeal reverses a local board's decision or
4 if a charter school is approved by referendum, the Commission
5 shall act as the authorized chartering entity for the charter
6 school. The Commission shall approve the charter and shall
7 perform all functions under this Article otherwise performed by
8 the local school board. The State Board shall determine whether
9 the charter proposal approved by the Commission is consistent
10 with the provisions of this Article and, if the approved
11 proposal complies, certify the proposal pursuant to this
12 Article. The State Board shall report the aggregate number of
13 charter school pupils resident in a school district to that
14 district and shall notify the district of the amount of funding
15 to be paid by the State Board to the charter school enrolling
16 such students. The Commission shall require the charter school
17 to maintain accurate records of daily attendance that shall be
18 deemed sufficient to file claims under Section 18-8.05 or
19 18-8.15 notwithstanding any other requirements of that Section
20 regarding hours of instruction and teacher certification. The
21 State Board shall withhold from funds otherwise due the
22 district the funds authorized by this Article to be paid to the
23 charter school and shall pay such amounts to the charter
24 school.

25 (g) For charter schools authorized by the Commission, the
26 Commission shall quarterly certify to the State Board the

1 student enrollment for each of its charter schools.

2 (h) For charter schools authorized by the Commission, the
3 State Board shall pay directly to a charter school any federal
4 or State aid attributable to a student with a disability
5 attending the school.

6 (Source: P.A. 98-739, eff. 7-16-14; 99-840, eff. 1-1-17;
7 revised 10-27-16.)

8 (105 ILCS 5/27A-11)

9 Sec. 27A-11. Local financing.

10 (a) For purposes of the School Code, pupils enrolled in a
11 charter school shall be included in the pupil enrollment of the
12 school district within which the pupil resides. Each charter
13 school (i) shall determine the school district in which each
14 pupil who is enrolled in the charter school resides, (ii) shall
15 report the aggregate number of pupils resident of a school
16 district who are enrolled in the charter school to the school
17 district in which those pupils reside, and (iii) shall maintain
18 accurate records of daily attendance that shall be deemed
19 sufficient to file claims under Section 18-8 or 18-8.15
20 notwithstanding any other requirements of that Section
21 regarding hours of instruction and teacher certification.

22 (b) Except for a charter school established by referendum
23 under Section 27A-6.5, as part of a charter school contract,
24 the charter school and the local school board shall agree on
25 funding and any services to be provided by the school district

1 to the charter school. Agreed funding that a charter school is
2 to receive from the local school board for a school year shall
3 be paid in equal quarterly installments with the payment of the
4 installment for the first quarter being made not later than
5 July 1, unless the charter establishes a different payment
6 schedule. However, if a charter school dismisses a pupil from
7 the charter school after receiving a quarterly payment, the
8 charter school shall return to the school district, on a
9 quarterly basis, the prorated portion of public funding
10 provided for the education of that pupil for the time the
11 student is not enrolled at the charter school. Likewise, if a
12 pupil transfers to a charter school between quarterly payments,
13 the school district shall provide, on a quarterly basis, a
14 prorated portion of the public funding to the charter school to
15 provide for the education of that pupil.

16 All services centrally or otherwise provided by the school
17 district including, but not limited to, rent, food services,
18 custodial services, maintenance, curriculum, media services,
19 libraries, transportation, and warehousing shall be subject to
20 negotiation between a charter school and the local school board
21 and paid for out of the revenues negotiated pursuant to this
22 subsection (b); provided that the local school board shall not
23 attempt, by negotiation or otherwise, to obligate a charter
24 school to provide pupil transportation for pupils for whom a
25 district is not required to provide transportation under the
26 criteria set forth in subsection (a) (13) of Section 27A-7.

1 In no event shall the funding be less than 75% or more than
2 125% of the school district's per capita student tuition
3 multiplied by the number of students residing in the district
4 who are enrolled in the charter school. However, for charter
5 agreements entered into on or after the effective date of this
6 amendatory Act of the 100th General Assembly, in no event shall
7 the funding be less than 97% or more than 103% of the school
8 district's per capita student tuition multiplied by the number
9 of students residing in the district who are enrolled in the
10 charter school.

11 It is the intent of the General Assembly that funding and
12 service agreements under this subsection (b) shall be neither a
13 financial incentive nor a financial disincentive to the
14 establishment of a charter school.

15 The charter school may set and collect reasonable fees.
16 Fees collected from students enrolled at a charter school shall
17 be retained by the charter school.

18 (c) Notwithstanding subsection (b) of this Section, the
19 proportionate share of State and federal resources generated by
20 students with disabilities or staff serving them shall be
21 directed to charter schools enrolling those students by their
22 school districts or administrative units. The proportionate
23 share of moneys generated under other federal or State
24 categorical aid programs shall be directed to charter schools
25 serving students eligible for that aid.

26 (d) The governing body of a charter school is authorized to

1 accept gifts, donations, or grants of any kind made to the
2 charter school and to expend or use gifts, donations, or grants
3 in accordance with the conditions prescribed by the donor;
4 however, a gift, donation, or grant may not be accepted by the
5 governing body if it is subject to any condition contrary to
6 applicable law or contrary to the terms of the contract between
7 the charter school and the local school board. Charter schools
8 shall be encouraged to solicit and utilize community volunteer
9 speakers and other instructional resources when providing
10 instruction on the Holocaust and other historical events.

11 (e) (Blank).

12 (f) The Commission shall provide technical assistance to
13 persons and groups preparing or revising charter applications.

14 (g) At the non-renewal or revocation of its charter, each
15 charter school shall refund to the local board of education all
16 unspent funds.

17 (h) A charter school is authorized to incur temporary,
18 short term debt to pay operating expenses in anticipation of
19 receipt of funds from the local school board.

20 (Source: P.A. 98-640, eff. 6-9-14; 98-739, eff. 7-16-14; 99-78,
21 eff. 7-20-15.)

22 (105 ILCS 5/29-5) (from Ch. 122, par. 29-5)

23 Sec. 29-5. Reimbursement by State for transportation. Any
24 school district, maintaining a school, transporting resident
25 pupils to another school district's vocational program,

1 offered through a joint agreement approved by the State Board
2 of Education, as provided in Section 10-22.22 or transporting
3 its resident pupils to a school which meets the standards for
4 recognition as established by the State Board of Education
5 which provides transportation meeting the standards of safety,
6 comfort, convenience, efficiency and operation prescribed by
7 the State Board of Education for resident pupils in
8 kindergarten or any of grades 1 through 12 who: (a) reside at
9 least 1 1/2 miles as measured by the customary route of travel,
10 from the school attended; or (b) reside in areas where
11 conditions are such that walking constitutes a hazard to the
12 safety of the child when determined under Section 29-3; and (c)
13 are transported to the school attended from pick-up points at
14 the beginning of the school day and back again at the close of
15 the school day or transported to and from their assigned
16 attendance centers during the school day, shall be reimbursed
17 by the State as hereinafter provided in this Section.

18 The State will pay the cost of transporting eligible pupils
19 less the prior year assessed valuation in a dual school
20 district maintaining secondary grades 9 to 12 inclusive times a
21 qualifying rate of .05%; in elementary school districts
22 maintaining grades K to 8 times a qualifying rate of .06%; and
23 in unit districts maintaining grades K to 12, including
24 optional elementary unit districts and combined high school -
25 unit districts, times a qualifying rate of .07%; provided that
26 for optional elementary unit districts and combined high school

1 - unit districts, prior year assessed valuation for high school
2 purposes, as defined in Article 11E of this Code, must be used.
3 To be eligible to receive reimbursement in excess of 4/5 of the
4 cost to transport eligible pupils, a school district shall have
5 a Transportation Fund tax rate of at least .12%. If a school
6 district does not have a .12% Transportation Fund tax rate, the
7 amount of its claim in excess of 4/5 of the cost of
8 transporting pupils shall be reduced by the sum arrived at by
9 subtracting the Transportation Fund tax rate from .12% and
10 multiplying that amount by the district's prior year ~~districts~~
11 equalized or assessed valuation, provided, that in no case
12 shall said reduction result in reimbursement of less than 4/5
13 of the cost to transport eligible pupils.

14 The minimum amount to be received by a district is \$16
15 times the number of eligible pupils transported.

16 When calculating the reimbursement for transportation
17 costs, the State Board of Education may not deduct the number
18 of pupils enrolled in early education programs from the number
19 of pupils eligible for reimbursement if the pupils enrolled in
20 the early education programs are transported at the same time
21 as other eligible pupils.

22 Any such district transporting resident pupils during the
23 school day to an area vocational school or another school
24 district's vocational program more than 1 1/2 miles from the
25 school attended, as provided in Sections 10-22.20a and
26 10-22.22, shall be reimbursed by the State for 4/5 of the cost

1 of transporting eligible pupils.

2 School day means that period of time which the pupil is
3 required to be in attendance for instructional purposes.

4 If a pupil is at a location within the school district
5 other than his residence for child care purposes at the time
6 for transportation to school, that location may be considered
7 for purposes of determining the 1 1/2 miles from the school
8 attended.

9 Claims for reimbursement that include children who attend
10 any school other than a public school shall show the number of
11 such children transported.

12 Claims for reimbursement under this Section shall not be
13 paid for the transportation of pupils for whom transportation
14 costs are claimed for payment under other Sections of this Act.

15 The allowable direct cost of transporting pupils for
16 regular, vocational, and special education pupil
17 transportation shall be limited to the sum of the cost of
18 physical examinations required for employment as a school bus
19 driver; the salaries of full or part-time drivers and school
20 bus maintenance personnel; employee benefits excluding
21 Illinois municipal retirement payments, social security
22 payments, unemployment insurance payments and workers'
23 compensation insurance premiums; expenditures to independent
24 carriers who operate school buses; payments to other school
25 districts for pupil transportation services; pre-approved
26 contractual expenditures for computerized bus scheduling; the

1 cost of gasoline, oil, tires, and other supplies necessary for
2 the operation of school buses; the cost of converting buses'
3 gasoline engines to more fuel efficient engines or to engines
4 which use alternative energy sources; the cost of travel to
5 meetings and workshops conducted by the regional
6 superintendent or the State Superintendent of Education
7 pursuant to the standards established by the Secretary of State
8 under Section 6-106 of the Illinois Vehicle Code to improve the
9 driving skills of school bus drivers; the cost of maintenance
10 of school buses including parts and materials used;
11 expenditures for leasing transportation vehicles, except
12 interest and service charges; the cost of insurance and
13 licenses for transportation vehicles; expenditures for the
14 rental of transportation equipment; plus a depreciation
15 allowance of 20% for 5 years for school buses and vehicles
16 approved for transporting pupils to and from school and a
17 depreciation allowance of 10% for 10 years for other
18 transportation equipment so used. Each school year, if a school
19 district has made expenditures to the Regional Transportation
20 Authority or any of its service boards, a mass transit
21 district, or an urban transportation district under an
22 intergovernmental agreement with the district to provide for
23 the transportation of pupils and if the public transit carrier
24 received direct payment for services or passes from a school
25 district within its service area during the 2000-2001 school
26 year, then the allowable direct cost of transporting pupils for

1 regular, vocational, and special education pupil
2 transportation shall also include the expenditures that the
3 district has made to the public transit carrier. In addition to
4 the above allowable costs school districts shall also claim all
5 transportation supervisory salary costs, including Illinois
6 municipal retirement payments, and all transportation related
7 building and building maintenance costs without limitation.

8 Special education allowable costs shall also include
9 expenditures for the salaries of attendants or aides for that
10 portion of the time they assist special education pupils while
11 in transit and expenditures for parents and public carriers for
12 transporting special education pupils when pre-approved by the
13 State Superintendent of Education.

14 Indirect costs shall be included in the reimbursement claim
15 for districts which own and operate their own school buses.
16 Such indirect costs shall include administrative costs, or any
17 costs attributable to transporting pupils from their
18 attendance centers to another school building for
19 instructional purposes. No school district which owns and
20 operates its own school buses may claim reimbursement for
21 indirect costs which exceed 5% of the total allowable direct
22 costs for pupil transportation.

23 The State Board of Education shall prescribe uniform
24 regulations for determining the above standards and shall
25 prescribe forms of cost accounting and standards of determining
26 reasonable depreciation. Such depreciation shall include the

1 cost of equipping school buses with the safety features
2 required by law or by the rules, regulations and standards
3 promulgated by the State Board of Education, and the Department
4 of Transportation for the safety and construction of school
5 buses provided, however, any equipment cost reimbursed by the
6 Department of Transportation for equipping school buses with
7 such safety equipment shall be deducted from the allowable cost
8 in the computation of reimbursement under this Section in the
9 same percentage as the cost of the equipment is depreciated.

10 On or before August 15, annually, the chief school
11 administrator for the district shall certify to the State
12 Superintendent of Education the district's claim for
13 reimbursement for the school year ending on June 30 next
14 preceding. The State Superintendent of Education shall check
15 and approve the claims and prepare the vouchers showing the
16 amounts due for district reimbursement claims. Each fiscal
17 year, the State Superintendent of Education shall prepare and
18 transmit the first 3 vouchers to the Comptroller on the 30th
19 day of September, December and March, respectively, and the
20 final voucher, no later than June 20.

21 If the amount appropriated for transportation
22 reimbursement is insufficient to fund total claims for any
23 fiscal year, the State Board of Education shall reduce each
24 school district's allowable costs and flat grant amount
25 proportionately to make total adjusted claims equal the total
26 amount appropriated.

1 For purposes of calculating claims for reimbursement under
2 this Section for any school year beginning July 1, 1998, or
3 thereafter, the equalized assessed valuation for a school
4 district used to compute reimbursement shall be computed in the
5 same manner as it is computed under paragraph (2) of subsection
6 (G) of Section 18-8.05.

7 All reimbursements received from the State shall be
8 deposited into the district's transportation fund or into the
9 fund from which the allowable expenditures were made.

10 Notwithstanding any other provision of law, any school
11 district receiving a payment under this Section or under
12 Section 14-7.02, 14-7.02b, or 14-13.01 of this Code may
13 classify all or a portion of the funds that it receives in a
14 particular fiscal year or from general State aid pursuant to
15 Section 18-8.05 of this Code as funds received in connection
16 with any funding program for which it is entitled to receive
17 funds from the State in that fiscal year (including, without
18 limitation, any funding program referenced in this Section),
19 regardless of the source or timing of the receipt. The district
20 may not classify more funds as funds received in connection
21 with the funding program than the district is entitled to
22 receive in that fiscal year for that program. Any
23 classification by a district must be made by a resolution of
24 its board of education. The resolution must identify the amount
25 of any payments or general State aid to be classified under
26 this paragraph and must specify the funding program to which

1 the funds are to be treated as received in connection
2 therewith. This resolution is controlling as to the
3 classification of funds referenced therein. A certified copy of
4 the resolution must be sent to the State Superintendent of
5 Education. The resolution shall still take effect even though a
6 copy of the resolution has not been sent to the State
7 Superintendent of Education in a timely manner. No
8 classification under this paragraph by a district shall affect
9 the total amount or timing of money the district is entitled to
10 receive under this Code. No classification under this paragraph
11 by a district shall in any way relieve the district from or
12 affect any requirements that otherwise would apply with respect
13 to that funding program, including any accounting of funds by
14 source, reporting expenditures by original source and purpose,
15 reporting requirements, or requirements of providing services.

16 Any school district with a population of not more than
17 500,000 must deposit all funds received under this Article into
18 the transportation fund and use those funds for the provision
19 of transportation services.

20 Notwithstanding anything to the contrary contained in this
21 Section, the State Board of Education shall award to a school
22 district having a population exceeding 500,000 inhabitants
23 3.9% of the funds appropriated by the General Assembly for any
24 fiscal year for purposes of payments to school districts under
25 this Section.

26 (Source: P.A. 95-903, eff. 8-25-08; 96-1264, eff. 1-1-11.)

1 (105 ILCS 5/34-2.3) (from Ch. 122, par. 34-2.3)

2 Sec. 34-2.3. Local school councils - Powers and duties.
3 Each local school council shall have and exercise, consistent
4 with the provisions of this Article and the powers and duties
5 of the board of education, the following powers and duties:

6 1. (A) To annually evaluate the performance of the
7 principal of the attendance center using a Board approved
8 principal evaluation form, which shall include the evaluation
9 of (i) student academic improvement, as defined by the school
10 improvement plan, (ii) student absenteeism rates at the school,
11 (iii) instructional leadership, (iv) the effective
12 implementation of programs, policies, or strategies to improve
13 student academic achievement, (v) school management, and (vi)
14 any other factors deemed relevant by the local school council,
15 including, without limitation, the principal's communication
16 skills and ability to create and maintain a student-centered
17 learning environment, to develop opportunities for
18 professional development, and to encourage parental
19 involvement and community partnerships to achieve school
20 improvement;

21 (B) to determine in the manner provided by subsection (c)
22 of Section 34-2.2 and subdivision 1.5 of this Section whether
23 the performance contract of the principal shall be renewed; and

24 (C) to directly select, in the manner provided by
25 subsection (c) of Section 34-2.2, a new principal (including a

1 new principal to fill a vacancy) -- without submitting any list
2 of candidates for that position to the general superintendent
3 as provided in paragraph 2 of this Section -- to serve under a
4 4 year performance contract; provided that (i) the
5 determination of whether the principal's performance contract
6 is to be renewed, based upon the evaluation required by
7 subdivision 1.5 of this Section, shall be made no later than
8 150 days prior to the expiration of the current
9 performance-based contract of the principal, (ii) in cases
10 where such performance contract is not renewed -- a direct
11 selection of a new principal -- to serve under a 4 year
12 performance contract shall be made by the local school council
13 no later than 45 days prior to the expiration of the current
14 performance contract of the principal, and (iii) a selection by
15 the local school council of a new principal to fill a vacancy
16 under a 4 year performance contract shall be made within 90
17 days after the date such vacancy occurs. A Council shall be
18 required, if requested by the principal, to provide in writing
19 the reasons for the council's not renewing the principal's
20 contract.

21 1.5. The local school council's determination of whether to
22 renew the principal's contract shall be based on an evaluation
23 to assess the educational and administrative progress made at
24 the school during the principal's current performance-based
25 contract. The local school council shall base its evaluation on
26 (i) student academic improvement, as defined by the school

1 improvement plan, (ii) student absenteeism rates at the school,
2 (iii) instructional leadership, (iv) the effective
3 implementation of programs, policies, or strategies to improve
4 student academic achievement, (v) school management, and (vi)
5 any other factors deemed relevant by the local school council,
6 including, without limitation, the principal's communication
7 skills and ability to create and maintain a student-centered
8 learning environment, to develop opportunities for
9 professional development, and to encourage parental
10 involvement and community partnerships to achieve school
11 improvement. If a local school council fails to renew the
12 performance contract of a principal rated by the general
13 superintendent, or his or her designee, in the previous years'
14 evaluations as meeting or exceeding expectations, the
15 principal, within 15 days after the local school council's
16 decision not to renew the contract, may request a review of the
17 local school council's principal non-retention decision by a
18 hearing officer appointed by the American Arbitration
19 Association. A local school council member or members or the
20 general superintendent may support the principal's request for
21 review. During the period of the hearing officer's review of
22 the local school council's decision on whether or not to retain
23 the principal, the local school council shall maintain all
24 authority to search for and contract with a person to serve as
25 interim or acting principal, or as the principal of the
26 attendance center under a 4-year performance contract,

1 provided that any performance contract entered into by the
2 local school council shall be voidable or modified in
3 accordance with the decision of the hearing officer. The
4 principal may request review only once while at that attendance
5 center. If a local school council renews the contract of a
6 principal who failed to obtain a rating of "meets" or "exceeds
7 expectations" in the general superintendent's evaluation for
8 the previous year, the general superintendent, within 15 days
9 after the local school council's decision to renew the
10 contract, may request a review of the local school council's
11 principal retention decision by a hearing officer appointed by
12 the American Arbitration Association. The general
13 superintendent may request a review only once for that
14 principal at that attendance center. All requests to review the
15 retention or non-retention of a principal shall be submitted to
16 the general superintendent, who shall, in turn, forward such
17 requests, within 14 days of receipt, to the American
18 Arbitration Association. The general superintendent shall send
19 a contemporaneous copy of the request that was forwarded to the
20 American Arbitration Association to the principal and to each
21 local school council member and shall inform the local school
22 council of its rights and responsibilities under the
23 arbitration process, including the local school council's
24 right to representation and the manner and process by which the
25 Board shall pay the costs of the council's representation. If
26 the local school council retains the principal and the general

1 superintendent requests a review of the retention decision, the
2 local school council and the general superintendent shall be
3 considered parties to the arbitration, a hearing officer shall
4 be chosen between those 2 parties pursuant to procedures
5 promulgated by the State Board of Education, and the principal
6 may retain counsel and participate in the arbitration. If the
7 local school council does not retain the principal and the
8 principal requests a review of the retention decision, the
9 local school council and the principal shall be considered
10 parties to the arbitration and a hearing officer shall be
11 chosen between those 2 parties pursuant to procedures
12 promulgated by the State Board of Education. The hearing shall
13 begin (i) within 45 days after the initial request for review
14 is submitted by the principal to the general superintendent or
15 (ii) if the initial request for review is made by the general
16 superintendent, within 45 days after that request is mailed to
17 the American Arbitration Association. The hearing officer
18 shall render a decision within 45 days after the hearing begins
19 and within 90 days after the initial request for review. The
20 Board shall contract with the American Arbitration Association
21 for all of the hearing officer's reasonable and necessary
22 costs. In addition, the Board shall pay any reasonable costs
23 incurred by a local school council for representation before a
24 hearing officer.

25 1.10. The hearing officer shall conduct a hearing, which
26 shall include (i) a review of the principal's performance,

1 evaluations, and other evidence of the principal's service at
2 the school, (ii) reasons provided by the local school council
3 for its decision, and (iii) documentation evidencing views of
4 interested persons, including, without limitation, students,
5 parents, local school council members, school faculty and
6 staff, the principal, the general superintendent or his or her
7 designee, and members of the community. The burden of proof in
8 establishing that the local school council's decision was
9 arbitrary and capricious shall be on the party requesting the
10 arbitration, and this party shall sustain the burden by a
11 preponderance of the evidence. The hearing officer shall set
12 the local school council decision aside if that decision, in
13 light of the record developed at the hearing, is arbitrary and
14 capricious. The decision of the hearing officer may not be
15 appealed to the Board or the State Board of Education. If the
16 hearing officer decides that the principal shall be retained,
17 the retention period shall not exceed 2 years.

18 2. In the event (i) the local school council does not renew
19 the performance contract of the principal, or the principal
20 fails to receive a satisfactory rating as provided in
21 subsection (h) of Section 34-8.3, or the principal is removed
22 for cause during the term of his or her performance contract in
23 the manner provided by Section 34-85, or a vacancy in the
24 position of principal otherwise occurs prior to the expiration
25 of the term of a principal's performance contract, and (ii) the
26 local school council fails to directly select a new principal

1 to serve under a 4 year performance contract, the local school
2 council in such event shall submit to the general
3 superintendent a list of 3 candidates -- listed in the local
4 school council's order of preference -- for the position of
5 principal, one of which shall be selected by the general
6 superintendent to serve as principal of the attendance center.
7 If the general superintendent fails or refuses to select one of
8 the candidates on the list to serve as principal within 30 days
9 after being furnished with the candidate list, the general
10 superintendent shall select and place a principal on an interim
11 basis (i) for a period not to exceed one year or (ii) until the
12 local school council selects a new principal with 7 affirmative
13 votes as provided in subsection (c) of Section 34-2.2,
14 whichever occurs first. If the local school council fails or
15 refuses to select and appoint a new principal, as specified by
16 subsection (c) of Section 34-2.2, the general superintendent
17 may select and appoint a new principal on an interim basis for
18 an additional year or until a new contract principal is
19 selected by the local school council. There shall be no
20 discrimination on the basis of race, sex, creed, color or
21 disability unrelated to ability to perform in connection with
22 the submission of candidates for, and the selection of a
23 candidate to serve as principal of an attendance center. No
24 person shall be directly selected, listed as a candidate for,
25 or selected to serve as principal of an attendance center (i)
26 if such person has been removed for cause from employment by

1 the Board or (ii) if such person does not hold a valid
2 administrative certificate issued or exchanged under Article
3 21 and endorsed as required by that Article for the position of
4 principal. A principal whose performance contract is not
5 renewed as provided under subsection (c) of Section 34-2.2 may
6 nevertheless, if otherwise qualified and certified as herein
7 provided and if he or she has received a satisfactory rating as
8 provided in subsection (h) of Section 34-8.3, be included by a
9 local school council as one of the 3 candidates listed in order
10 of preference on any candidate list from which one person is to
11 be selected to serve as principal of the attendance center
12 under a new performance contract. The initial candidate list
13 required to be submitted by a local school council to the
14 general superintendent in cases where the local school council
15 does not renew the performance contract of its principal and
16 does not directly select a new principal to serve under a 4
17 year performance contract shall be submitted not later than 30
18 days prior to the expiration of the current performance
19 contract. In cases where the local school council fails or
20 refuses to submit the candidate list to the general
21 superintendent no later than 30 days prior to the expiration of
22 the incumbent principal's contract, the general superintendent
23 may appoint a principal on an interim basis for a period not to
24 exceed one year, during which time the local school council
25 shall be able to select a new principal with 7 affirmative
26 votes as provided in subsection (c) of Section 34-2.2. In cases

1 where a principal is removed for cause or a vacancy otherwise
2 occurs in the position of principal and the vacancy is not
3 filled by direct selection by the local school council, the
4 candidate list shall be submitted by the local school council
5 to the general superintendent within 90 days after the date
6 such removal or vacancy occurs. In cases where the local school
7 council fails or refuses to submit the candidate list to the
8 general superintendent within 90 days after the date of the
9 vacancy, the general superintendent may appoint a principal on
10 an interim basis for a period of one year, during which time
11 the local school council shall be able to select a new
12 principal with 7 affirmative votes as provided in subsection
13 (c) of Section 34-2.2.

14 2.5. Whenever a vacancy in the office of a principal occurs
15 for any reason, the vacancy shall be filled in the manner
16 provided by this Section by the selection of a new principal to
17 serve under a 4 year performance contract.

18 3. To establish additional criteria to be included as part
19 of the performance contract of its principal, provided that
20 such additional criteria shall not discriminate on the basis of
21 race, sex, creed, color or disability unrelated to ability to
22 perform, and shall not be inconsistent with the uniform 4 year
23 performance contract for principals developed by the board as
24 provided in Section 34-8.1 of the School Code or with other
25 provisions of this Article governing the authority and
26 responsibility of principals.

1 4. To approve the expenditure plan prepared by the
2 principal with respect to all funds allocated and distributed
3 to the attendance center by the Board. The expenditure plan
4 shall be administered by the principal. Notwithstanding any
5 other provision of this Act or any other law, any expenditure
6 plan approved and administered under this Section 34-2.3 shall
7 be consistent with and subject to the terms of any contract for
8 services with a third party entered into by the Chicago School
9 Reform Board of Trustees or the board under this Act.

10 Via a supermajority vote of 7 members of the local school
11 council or 8 members of a high school local school council, the
12 Council may transfer allocations pursuant to Section 34-2.3
13 within funds; provided that such a transfer is consistent with
14 applicable law and collective bargaining agreements.

15 Beginning in fiscal year 1991 and in each fiscal year
16 thereafter, the Board may reserve up to 1% of its total fiscal
17 year budget for distribution on a prioritized basis to schools
18 throughout the school system in order to assure adequate
19 programs to meet the needs of special student populations as
20 determined by the Board. This distribution shall take into
21 account the needs catalogued in the Systemwide Plan and the
22 various local school improvement plans of the local school
23 councils. Information about these centrally funded programs
24 shall be distributed to the local school councils so that their
25 subsequent planning and programming will account for these
26 provisions.

1 Beginning in fiscal year 1991 and in each fiscal year
2 thereafter, from other amounts available in the applicable
3 fiscal year budget, the board shall allocate a lump sum amount
4 to each local school based upon such formula as the board shall
5 determine taking into account the special needs of the student
6 body. The local school principal shall develop an expenditure
7 plan in consultation with the local school council, the
8 professional personnel leadership committee and with all other
9 school personnel, which reflects the priorities and activities
10 as described in the school's local school improvement plan and
11 is consistent with applicable law and collective bargaining
12 agreements and with board policies and standards; however, the
13 local school council shall have the right to request waivers of
14 board policy from the board of education and waivers of
15 employee collective bargaining agreements pursuant to Section
16 34-8.1a.

17 The expenditure plan developed by the principal with
18 respect to amounts available from the fund for prioritized
19 special needs programs and the allocated lump sum amount must
20 be approved by the local school council.

21 The lump sum allocation shall take into account the
22 following principles:

23 a. Teachers: Each school shall be allocated funds equal
24 to the amount appropriated in the previous school year for
25 compensation for teachers (regular grades kindergarten
26 through 12th grade) plus whatever increases in

1 compensation have been negotiated contractually or through
2 longevity as provided in the negotiated agreement.
3 Adjustments shall be made due to layoff or reduction in
4 force, lack of funds or work, change in subject
5 requirements, enrollment changes, or contracts with third
6 parties for the performance of services or to rectify any
7 inconsistencies with system-wide allocation formulas or
8 for other legitimate reasons.

9 b. Other personnel: Funds for other teacher
10 certificated and uncertificated personnel paid through
11 non-categorical funds shall be provided according to
12 system-wide formulas based on student enrollment and the
13 special needs of the school as determined by the Board.

14 c. Non-compensation items: Appropriations for all
15 non-compensation items shall be based on system-wide
16 formulas based on student enrollment and on the special
17 needs of the school or factors related to the physical
18 plant, including but not limited to textbooks, electronic
19 textbooks and the technological equipment necessary to
20 gain access to and use electronic textbooks, supplies,
21 electricity, equipment, and routine maintenance.

22 d. Funds for categorical programs: Schools shall
23 receive personnel and funds based on, and shall use such
24 personnel and funds in accordance with State and Federal
25 requirements applicable to each categorical program
26 provided to meet the special needs of the student body

1 (including but not limited to, Federal Chapter I,
2 Bilingual, and Special Education).

3 d.1. Funds for State Title I: Each school shall receive
4 funds based on State and Board requirements applicable to
5 each State Title I pupil provided to meet the special needs
6 of the student body. Each school shall receive the
7 proportion of funds as provided in Section 18-8 or 18-8.15
8 to which they are entitled. These funds shall be spent only
9 with the budgetary approval of the Local School Council as
10 provided in Section 34-2.3.

11 e. The Local School Council shall have the right to
12 request the principal to close positions and open new ones
13 consistent with the provisions of the local school
14 improvement plan provided that these decisions are
15 consistent with applicable law and collective bargaining
16 agreements. If a position is closed, pursuant to this
17 paragraph, the local school shall have for its use the
18 system-wide average compensation for the closed position.

19 f. Operating within existing laws and collective
20 bargaining agreements, the local school council shall have
21 the right to direct the principal to shift expenditures
22 within funds.

23 g. (Blank).

24 Any funds unexpended at the end of the fiscal year shall be
25 available to the board of education for use as part of its
26 budget for the following fiscal year.

1 5. To make recommendations to the principal concerning
2 textbook selection and concerning curriculum developed
3 pursuant to the school improvement plan which is consistent
4 with systemwide curriculum objectives in accordance with
5 Sections 34-8 and 34-18 of the School Code and in conformity
6 with the collective bargaining agreement.

7 6. To advise the principal concerning the attendance and
8 disciplinary policies for the attendance center, subject to the
9 provisions of this Article and Article 26, and consistent with
10 the uniform system of discipline established by the board
11 pursuant to Section 34-19.

12 7. To approve a school improvement plan developed as
13 provided in Section 34-2.4. The process and schedule for plan
14 development shall be publicized to the entire school community,
15 and the community shall be afforded the opportunity to make
16 recommendations concerning the plan. At least twice a year the
17 principal and local school council shall report publicly on
18 progress and problems with respect to plan implementation.

19 8. To evaluate the allocation of teaching resources and
20 other certificated and uncertificated staff to the attendance
21 center to determine whether such allocation is consistent with
22 and in furtherance of instructional objectives and school
23 programs reflective of the school improvement plan adopted for
24 the attendance center; and to make recommendations to the
25 board, the general superintendent and the principal concerning
26 any reallocation of teaching resources or other staff whenever

1 the council determines that any such reallocation is
2 appropriate because the qualifications of any existing staff at
3 the attendance center do not adequately match or support
4 instructional objectives or school programs which reflect the
5 school improvement plan.

6 9. To make recommendations to the principal and the general
7 superintendent concerning their respective appointments, after
8 August 31, 1989, and in the manner provided by Section 34-8 and
9 Section 34-8.1, of persons to fill any vacant, additional or
10 newly created positions for teachers at the attendance center
11 or at attendance centers which include the attendance center
12 served by the local school council.

13 10. To request of the Board the manner in which training
14 and assistance shall be provided to the local school council.
15 Pursuant to Board guidelines a local school council is
16 authorized to direct the Board of Education to contract with
17 personnel or not-for-profit organizations not associated with
18 the school district to train or assist council members. If
19 training or assistance is provided by contract with personnel
20 or organizations not associated with the school district, the
21 period of training or assistance shall not exceed 30 hours
22 during a given school year; person shall not be employed on a
23 continuous basis longer than said period and shall not have
24 been employed by the Chicago Board of Education within the
25 preceding six months. Council members shall receive training in
26 at least the following areas:

- 1 1. school budgets;
- 2 2. educational theory pertinent to the attendance
- 3 center's particular needs, including the development of
- 4 the school improvement plan and the principal's
- 5 performance contract; and
- 6 3. personnel selection.

7 Council members shall, to the greatest extent possible,
8 complete such training within 90 days of election.

9 11. In accordance with systemwide guidelines contained in
10 the System-Wide Educational Reform Goals and Objectives Plan,
11 criteria for evaluation of performance shall be established for
12 local school councils and local school council members. If a
13 local school council persists in noncompliance with systemwide
14 requirements, the Board may impose sanctions and take necessary
15 corrective action, consistent with Section 34-8.3.

16 12. Each local school council shall comply with the Open
17 Meetings Act and the Freedom of Information Act. Each local
18 school council shall issue and transmit to its school community
19 a detailed annual report accounting for its activities
20 programmatically and financially. Each local school council
21 shall convene at least 2 well-publicized meetings annually with
22 its entire school community. These meetings shall include
23 presentation of the proposed local school improvement plan, of
24 the proposed school expenditure plan, and the annual report,
25 and shall provide an opportunity for public comment.

26 13. Each local school council is encouraged to involve

1 additional non-voting members of the school community in
2 facilitating the council's exercise of its responsibilities.

3 14. The local school council may adopt a school uniform or
4 dress code policy that governs the attendance center and that
5 is necessary to maintain the orderly process of a school
6 function or prevent endangerment of student health or safety,
7 consistent with the policies and rules of the Board of
8 Education. A school uniform or dress code policy adopted by a
9 local school council: (i) shall not be applied in such manner
10 as to discipline or deny attendance to a transfer student or
11 any other student for noncompliance with that policy during
12 such period of time as is reasonably necessary to enable the
13 student to acquire a school uniform or otherwise comply with
14 the dress code policy that is in effect at the attendance
15 center into which the student's enrollment is transferred; and
16 (ii) shall include criteria and procedures under which the
17 local school council will accommodate the needs of or otherwise
18 provide appropriate resources to assist a student from an
19 indigent family in complying with an applicable school uniform
20 or dress code policy. A student whose parents or legal
21 guardians object on religious grounds to the student's
22 compliance with an applicable school uniform or dress code
23 policy shall not be required to comply with that policy if the
24 student's parents or legal guardians present to the local
25 school council a signed statement of objection detailing the
26 grounds for the objection.

1 15. All decisions made and actions taken by the local
2 school council in the exercise of its powers and duties shall
3 comply with State and federal laws, all applicable collective
4 bargaining agreements, court orders and rules properly
5 promulgated by the Board.

6 15a. To grant, in accordance with board rules and policies,
7 the use of assembly halls and classrooms when not otherwise
8 needed, including lighting, heat, and attendants, for public
9 lectures, concerts, and other educational and social
10 activities.

11 15b. To approve, in accordance with board rules and
12 policies, receipts and expenditures for all internal accounts
13 of the attendance center, and to approve all fund-raising
14 activities by nonschool organizations that use the school
15 building.

16 16. (Blank).

17 17. Names and addresses of local school council members
18 shall be a matter of public record.

19 (Source: P.A. 96-1403, eff. 7-29-10.)

20 (105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

21 Sec. 34-18. Powers of the board. The board shall exercise
22 general supervision and jurisdiction over the public education
23 and the public school system of the city, and, except as
24 otherwise provided by this Article, shall have power:

25 1. To make suitable provision for the establishment and

1 maintenance throughout the year or for such portion thereof
2 as it may direct, not less than 9 months, of schools of all
3 grades and kinds, including normal schools, high schools,
4 night schools, schools for defectives and delinquents,
5 parental and truant schools, schools for the blind, the
6 deaf and persons with physical disabilities, schools or
7 classes in manual training, constructural and vocational
8 teaching, domestic arts and physical culture, vocation and
9 extension schools and lecture courses, and all other
10 educational courses and facilities, including
11 establishing, equipping, maintaining and operating
12 playgrounds and recreational programs, when such programs
13 are conducted in, adjacent to, or connected with any public
14 school under the general supervision and jurisdiction of
15 the board; provided that the calendar for the school term
16 and any changes must be submitted to and approved by the
17 State Board of Education before the calendar or changes may
18 take effect, and provided that in allocating funds from
19 year to year for the operation of all attendance centers
20 within the district, the board shall ensure that
21 supplemental general State aid or supplemental grant funds
22 are allocated and applied in accordance with Section 18-8,
23 ~~or~~ 18-8.05, or 18-8.15. To admit to such schools without
24 charge foreign exchange students who are participants in an
25 organized exchange student program which is authorized by
26 the board. The board shall permit all students to enroll in

1 apprenticeship programs in trade schools operated by the
2 board, whether those programs are union-sponsored or not.
3 No student shall be refused admission into or be excluded
4 from any course of instruction offered in the common
5 schools by reason of that student's sex. No student shall
6 be denied equal access to physical education and
7 interscholastic athletic programs supported from school
8 district funds or denied participation in comparable
9 physical education and athletic programs solely by reason
10 of the student's sex. Equal access to programs supported
11 from school district funds and comparable programs will be
12 defined in rules promulgated by the State Board of
13 Education in consultation with the Illinois High School
14 Association. Notwithstanding any other provision of this
15 Article, neither the board of education nor any local
16 school council or other school official shall recommend
17 that children with disabilities be placed into regular
18 education classrooms unless those children with
19 disabilities are provided with supplementary services to
20 assist them so that they benefit from the regular classroom
21 instruction and are included on the teacher's regular
22 education class register;

23 2. To furnish lunches to pupils, to make a reasonable
24 charge therefor, and to use school funds for the payment of
25 such expenses as the board may determine are necessary in
26 conducting the school lunch program;

1 3. To co-operate with the circuit court;

2 4. To make arrangements with the public or quasi-public
3 libraries and museums for the use of their facilities by
4 teachers and pupils of the public schools;

5 5. To employ dentists and prescribe their duties for
6 the purpose of treating the pupils in the schools, but
7 accepting such treatment shall be optional with parents or
8 guardians;

9 6. To grant the use of assembly halls and classrooms
10 when not otherwise needed, including light, heat, and
11 attendants, for free public lectures, concerts, and other
12 educational and social interests, free of charge, under
13 such provisions and control as the principal of the
14 affected attendance center may prescribe;

15 7. To apportion the pupils to the several schools;
16 provided that no pupil shall be excluded from or segregated
17 in any such school on account of his color, race, sex, or
18 nationality. The board shall take into consideration the
19 prevention of segregation and the elimination of
20 separation of children in public schools because of color,
21 race, sex, or nationality. Except that children may be
22 committed to or attend parental and social adjustment
23 schools established and maintained either for boys or girls
24 only. All records pertaining to the creation, alteration or
25 revision of attendance areas shall be open to the public.
26 Nothing herein shall limit the board's authority to

1 establish multi-area attendance centers or other student
2 assignment systems for desegregation purposes or
3 otherwise, and to apportion the pupils to the several
4 schools. Furthermore, beginning in school year 1994-95,
5 pursuant to a board plan adopted by October 1, 1993, the
6 board shall offer, commencing on a phased-in basis, the
7 opportunity for families within the school district to
8 apply for enrollment of their children in any attendance
9 center within the school district which does not have
10 selective admission requirements approved by the board.
11 The appropriate geographical area in which such open
12 enrollment may be exercised shall be determined by the
13 board of education. Such children may be admitted to any
14 such attendance center on a space available basis after all
15 children residing within such attendance center's area
16 have been accommodated. If the number of applicants from
17 outside the attendance area exceed the space available,
18 then successful applicants shall be selected by lottery.
19 The board of education's open enrollment plan must include
20 provisions that allow low income students to have access to
21 transportation needed to exercise school choice. Open
22 enrollment shall be in compliance with the provisions of
23 the Consent Decree and Desegregation Plan cited in Section
24 34-1.01;

25 8. To approve programs and policies for providing
26 transportation services to students. Nothing herein shall

1 be construed to permit or empower the State Board of
2 Education to order, mandate, or require busing or other
3 transportation of pupils for the purpose of achieving
4 racial balance in any school;

5 9. Subject to the limitations in this Article, to
6 establish and approve system-wide curriculum objectives
7 and standards, including graduation standards, which
8 reflect the multi-cultural diversity in the city and are
9 consistent with State law, provided that for all purposes
10 of this Article courses or proficiency in American Sign
11 Language shall be deemed to constitute courses or
12 proficiency in a foreign language; and to employ principals
13 and teachers, appointed as provided in this Article, and
14 fix their compensation. The board shall prepare such
15 reports related to minimal competency testing as may be
16 requested by the State Board of Education, and in addition
17 shall monitor and approve special education and bilingual
18 education programs and policies within the district to
19 assure that appropriate services are provided in
20 accordance with applicable State and federal laws to
21 children requiring services and education in those areas;

22 10. To employ non-teaching personnel or utilize
23 volunteer personnel for: (i) non-teaching duties not
24 requiring instructional judgment or evaluation of pupils,
25 including library duties; and (ii) supervising study
26 halls, long distance teaching reception areas used

1 incident to instructional programs transmitted by
2 electronic media such as computers, video, and audio,
3 detention and discipline areas, and school-sponsored
4 extracurricular activities. The board may further utilize
5 volunteer non-certificated personnel or employ
6 non-certificated personnel to assist in the instruction of
7 pupils under the immediate supervision of a teacher holding
8 a valid certificate, directly engaged in teaching subject
9 matter or conducting activities; provided that the teacher
10 shall be continuously aware of the non-certificated
11 persons' activities and shall be able to control or modify
12 them. The general superintendent shall determine
13 qualifications of such personnel and shall prescribe rules
14 for determining the duties and activities to be assigned to
15 such personnel;

16 10.5. To utilize volunteer personnel from a regional
17 School Crisis Assistance Team (S.C.A.T.), created as part
18 of the Safe to Learn Program established pursuant to
19 Section 25 of the Illinois Violence Prevention Act of 1995,
20 to provide assistance to schools in times of violence or
21 other traumatic incidents within a school community by
22 providing crisis intervention services to lessen the
23 effects of emotional trauma on individuals and the
24 community; the School Crisis Assistance Team Steering
25 Committee shall determine the qualifications for
26 volunteers;

1 11. To provide television studio facilities in not to
2 exceed one school building and to provide programs for
3 educational purposes, provided, however, that the board
4 shall not construct, acquire, operate, or maintain a
5 television transmitter; to grant the use of its studio
6 facilities to a licensed television station located in the
7 school district; and to maintain and operate not to exceed
8 one school radio transmitting station and provide programs
9 for educational purposes;

10 12. To offer, if deemed appropriate, outdoor education
11 courses, including field trips within the State of
12 Illinois, or adjacent states, and to use school educational
13 funds for the expense of the said outdoor educational
14 programs, whether within the school district or not;

15 13. During that period of the calendar year not
16 embraced within the regular school term, to provide and
17 conduct courses in subject matters normally embraced in the
18 program of the schools during the regular school term and
19 to give regular school credit for satisfactory completion
20 by the student of such courses as may be approved for
21 credit by the State Board of Education;

22 14. To insure against any loss or liability of the
23 board, the former School Board Nominating Commission,
24 Local School Councils, the Chicago Schools Academic
25 Accountability Council, or the former Subdistrict Councils
26 or of any member, officer, agent or employee thereof,

1 resulting from alleged violations of civil rights arising
2 from incidents occurring on or after September 5, 1967 or
3 from the wrongful or negligent act or omission of any such
4 person whether occurring within or without the school
5 premises, provided the officer, agent or employee was, at
6 the time of the alleged violation of civil rights or
7 wrongful act or omission, acting within the scope of his
8 employment or under direction of the board, the former
9 School Board Nominating Commission, the Chicago Schools
10 Academic Accountability Council, Local School Councils, or
11 the former Subdistrict Councils; and to provide for or
12 participate in insurance plans for its officers and
13 employees, including but not limited to retirement
14 annuities, medical, surgical and hospitalization benefits
15 in such types and amounts as may be determined by the
16 board; provided, however, that the board shall contract for
17 such insurance only with an insurance company authorized to
18 do business in this State. Such insurance may include
19 provision for employees who rely on treatment by prayer or
20 spiritual means alone for healing, in accordance with the
21 tenets and practice of a recognized religious
22 denomination;

23 15. To contract with the corporate authorities of any
24 municipality or the county board of any county, as the case
25 may be, to provide for the regulation of traffic in parking
26 areas of property used for school purposes, in such manner

1 as is provided by Section 11-209 of The Illinois Vehicle
2 Code, approved September 29, 1969, as amended;

3 16. (a) To provide, on an equal basis, access to a high
4 school campus and student directory information to the
5 official recruiting representatives of the armed forces of
6 Illinois and the United States for the purposes of
7 informing students of the educational and career
8 opportunities available in the military if the board has
9 provided such access to persons or groups whose purpose is
10 to acquaint students with educational or occupational
11 opportunities available to them. The board is not required
12 to give greater notice regarding the right of access to
13 recruiting representatives than is given to other persons
14 and groups. In this paragraph 16, "directory information"
15 means a high school student's name, address, and telephone
16 number.

17 (b) If a student or his or her parent or guardian
18 submits a signed, written request to the high school before
19 the end of the student's sophomore year (or if the student
20 is a transfer student, by another time set by the high
21 school) that indicates that the student or his or her
22 parent or guardian does not want the student's directory
23 information to be provided to official recruiting
24 representatives under subsection (a) of this Section, the
25 high school may not provide access to the student's
26 directory information to these recruiting representatives.

1 The high school shall notify its students and their parents
2 or guardians of the provisions of this subsection (b).

3 (c) A high school may require official recruiting
4 representatives of the armed forces of Illinois and the
5 United States to pay a fee for copying and mailing a
6 student's directory information in an amount that is not
7 more than the actual costs incurred by the high school.

8 (d) Information received by an official recruiting
9 representative under this Section may be used only to
10 provide information to students concerning educational and
11 career opportunities available in the military and may not
12 be released to a person who is not involved in recruiting
13 students for the armed forces of Illinois or the United
14 States;

15 17. (a) To sell or market any computer program
16 developed by an employee of the school district, provided
17 that such employee developed the computer program as a
18 direct result of his or her duties with the school district
19 or through the utilization of the school district resources
20 or facilities. The employee who developed the computer
21 program shall be entitled to share in the proceeds of such
22 sale or marketing of the computer program. The distribution
23 of such proceeds between the employee and the school
24 district shall be as agreed upon by the employee and the
25 school district, except that neither the employee nor the
26 school district may receive more than 90% of such proceeds.

1 The negotiation for an employee who is represented by an
2 exclusive bargaining representative may be conducted by
3 such bargaining representative at the employee's request.

4 (b) For the purpose of this paragraph 17:

5 (1) "Computer" means an internally programmed,
6 general purpose digital device capable of
7 automatically accepting data, processing data and
8 supplying the results of the operation.

9 (2) "Computer program" means a series of coded
10 instructions or statements in a form acceptable to a
11 computer, which causes the computer to process data in
12 order to achieve a certain result.

13 (3) "Proceeds" means profits derived from
14 marketing or sale of a product after deducting the
15 expenses of developing and marketing such product;

16 18. To delegate to the general superintendent of
17 schools, by resolution, the authority to approve contracts
18 and expenditures in amounts of \$10,000 or less;

19 19. Upon the written request of an employee, to
20 withhold from the compensation of that employee any dues,
21 payments or contributions payable by such employee to any
22 labor organization as defined in the Illinois Educational
23 Labor Relations Act. Under such arrangement, an amount
24 shall be withheld from each regular payroll period which is
25 equal to the pro rata share of the annual dues plus any
26 payments or contributions, and the board shall transmit

1 such withholdings to the specified labor organization
2 within 10 working days from the time of the withholding;

3 19a. Upon receipt of notice from the comptroller of a
4 municipality with a population of 500,000 or more, a county
5 with a population of 3,000,000 or more, the Cook County
6 Forest Preserve District, the Chicago Park District, the
7 Metropolitan Water Reclamation District, the Chicago
8 Transit Authority, or a housing authority of a municipality
9 with a population of 500,000 or more that a debt is due and
10 owing the municipality, the county, the Cook County Forest
11 Preserve District, the Chicago Park District, the
12 Metropolitan Water Reclamation District, the Chicago
13 Transit Authority, or the housing authority by an employee
14 of the Chicago Board of Education, to withhold, from the
15 compensation of that employee, the amount of the debt that
16 is due and owing and pay the amount withheld to the
17 municipality, the county, the Cook County Forest Preserve
18 District, the Chicago Park District, the Metropolitan
19 Water Reclamation District, the Chicago Transit Authority,
20 or the housing authority; provided, however, that the
21 amount deducted from any one salary or wage payment shall
22 not exceed 25% of the net amount of the payment. Before the
23 Board deducts any amount from any salary or wage of an
24 employee under this paragraph, the municipality, the
25 county, the Cook County Forest Preserve District, the
26 Chicago Park District, the Metropolitan Water Reclamation

1 District, the Chicago Transit Authority, or the housing
2 authority shall certify that (i) the employee has been
3 afforded an opportunity for a hearing to dispute the debt
4 that is due and owing the municipality, the county, the
5 Cook County Forest Preserve District, the Chicago Park
6 District, the Metropolitan Water Reclamation District, the
7 Chicago Transit Authority, or the housing authority and
8 (ii) the employee has received notice of a wage deduction
9 order and has been afforded an opportunity for a hearing to
10 object to the order. For purposes of this paragraph, "net
11 amount" means that part of the salary or wage payment
12 remaining after the deduction of any amounts required by
13 law to be deducted and "debt due and owing" means (i) a
14 specified sum of money owed to the municipality, the
15 county, the Cook County Forest Preserve District, the
16 Chicago Park District, the Metropolitan Water Reclamation
17 District, the Chicago Transit Authority, or the housing
18 authority for services, work, or goods, after the period
19 granted for payment has expired, or (ii) a specified sum of
20 money owed to the municipality, the county, the Cook County
21 Forest Preserve District, the Chicago Park District, the
22 Metropolitan Water Reclamation District, the Chicago
23 Transit Authority, or the housing authority pursuant to a
24 court order or order of an administrative hearing officer
25 after the exhaustion of, or the failure to exhaust,
26 judicial review;

1 20. The board is encouraged to employ a sufficient
2 number of certified school counselors to maintain a
3 student/counselor ratio of 250 to 1 by July 1, 1990. Each
4 counselor shall spend at least 75% of his work time in
5 direct contact with students and shall maintain a record of
6 such time;

7 21. To make available to students vocational and career
8 counseling and to establish 5 special career counseling
9 days for students and parents. On these days
10 representatives of local businesses and industries shall
11 be invited to the school campus and shall inform students
12 of career opportunities available to them in the various
13 businesses and industries. Special consideration shall be
14 given to counseling minority students as to career
15 opportunities available to them in various fields. For the
16 purposes of this paragraph, minority student means a person
17 who is any of the following:

18 (a) American Indian or Alaska Native (a person having
19 origins in any of the original peoples of North and South
20 America, including Central America, and who maintains
21 tribal affiliation or community attachment).

22 (b) Asian (a person having origins in any of the
23 original peoples of the Far East, Southeast Asia, or the
24 Indian subcontinent, including, but not limited to,
25 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
26 the Philippine Islands, Thailand, and Vietnam).

1 (c) Black or African American (a person having origins
2 in any of the black racial groups of Africa). Terms such as
3 "Haitian" or "Negro" can be used in addition to "Black or
4 African American".

5 (d) Hispanic or Latino (a person of Cuban, Mexican,
6 Puerto Rican, South or Central American, or other Spanish
7 culture or origin, regardless of race).

8 (e) Native Hawaiian or Other Pacific Islander (a person
9 having origins in any of the original peoples of Hawaii,
10 Guam, Samoa, or other Pacific Islands).

11 Counseling days shall not be in lieu of regular school
12 days;

13 22. To report to the State Board of Education the
14 annual student dropout rate and number of students who
15 graduate from, transfer from or otherwise leave bilingual
16 programs;

17 23. Except as otherwise provided in the Abused and
18 Neglected Child Reporting Act or other applicable State or
19 federal law, to permit school officials to withhold, from
20 any person, information on the whereabouts of any child
21 removed from school premises when the child has been taken
22 into protective custody as a victim of suspected child
23 abuse. School officials shall direct such person to the
24 Department of Children and Family Services, or to the local
25 law enforcement agency if appropriate;

26 24. To develop a policy, based on the current state of

1 existing school facilities, projected enrollment and
2 efficient utilization of available resources, for capital
3 improvement of schools and school buildings within the
4 district, addressing in that policy both the relative
5 priority for major repairs, renovations and additions to
6 school facilities, and the advisability or necessity of
7 building new school facilities or closing existing schools
8 to meet current or projected demographic patterns within
9 the district;

10 25. To make available to the students in every high
11 school attendance center the ability to take all courses
12 necessary to comply with the Board of Higher Education's
13 college entrance criteria effective in 1993;

14 26. To encourage mid-career changes into the teaching
15 profession, whereby qualified professionals become
16 certified teachers, by allowing credit for professional
17 employment in related fields when determining point of
18 entry on teacher pay scale;

19 27. To provide or contract out training programs for
20 administrative personnel and principals with revised or
21 expanded duties pursuant to this Act in order to assure
22 they have the knowledge and skills to perform their duties;

23 28. To establish a fund for the prioritized special
24 needs programs, and to allocate such funds and other lump
25 sum amounts to each attendance center in a manner
26 consistent with the provisions of part 4 of Section 34-2.3.

1 Nothing in this paragraph shall be construed to require any
2 additional appropriations of State funds for this purpose;

3 29. (Blank);

4 30. Notwithstanding any other provision of this Act or
5 any other law to the contrary, to contract with third
6 parties for services otherwise performed by employees,
7 including those in a bargaining unit, and to layoff those
8 employees upon 14 days written notice to the affected
9 employees. Those contracts may be for a period not to
10 exceed 5 years and may be awarded on a system-wide basis.
11 The board may not operate more than 30 contract schools,
12 provided that the board may operate an additional 5
13 contract turnaround schools pursuant to item (5.5) of
14 subsection (d) of Section 34-8.3 of this Code;

15 31. To promulgate rules establishing procedures
16 governing the layoff or reduction in force of employees and
17 the recall of such employees, including, but not limited
18 to, criteria for such layoffs, reductions in force or
19 recall rights of such employees and the weight to be given
20 to any particular criterion. Such criteria shall take into
21 account factors including, but not be limited to,
22 qualifications, certifications, experience, performance
23 ratings or evaluations, and any other factors relating to
24 an employee's job performance;

25 32. To develop a policy to prevent nepotism in the
26 hiring of personnel or the selection of contractors;

1 33. To enter into a partnership agreement, as required
2 by Section 34-3.5 of this Code, and, notwithstanding any
3 other provision of law to the contrary, to promulgate
4 policies, enter into contracts, and take any other action
5 necessary to accomplish the objectives and implement the
6 requirements of that agreement; and

7 34. To establish a Labor Management Council to the
8 board comprised of representatives of the board, the chief
9 executive officer, and those labor organizations that are
10 the exclusive representatives of employees of the board and
11 to promulgate policies and procedures for the operation of
12 the Council.

13 The specifications of the powers herein granted are not to
14 be construed as exclusive but the board shall also exercise all
15 other powers that they may be requisite or proper for the
16 maintenance and the development of a public school system, not
17 inconsistent with the other provisions of this Article or
18 provisions of this Code which apply to all school districts.

19 In addition to the powers herein granted and authorized to
20 be exercised by the board, it shall be the duty of the board to
21 review or to direct independent reviews of special education
22 expenditures and services. The board shall file a report of
23 such review with the General Assembly on or before May 1, 1990.

24 (Source: P.A. 99-143, eff. 7-27-15.)

1 Sec. 34-18.30. Dependents of military personnel; no
2 tuition charge. If, at the time of enrollment, a dependent of
3 United States military personnel is housed in temporary housing
4 located outside of the school district, but will be living
5 within the district within 60 days after the time of initial
6 enrollment, the dependent must be allowed to enroll, subject to
7 the requirements of this Section, and must not be charged
8 tuition. Any United States military personnel attempting to
9 enroll a dependent under this Section shall provide proof that
10 the dependent will be living within the district within 60 days
11 after the time of initial enrollment. Proof of residency may
12 include, but is not limited to, postmarked mail addressed to
13 the military personnel and sent to an address located within
14 the district, a lease agreement for occupancy of a residence
15 located within the district, or proof of ownership of a
16 residence located within the district. Non-resident dependents
17 of United States military personnel attending school on a
18 tuition-free basis may be counted for the purposes of
19 determining the apportionment of State aid provided under
20 Section 18-8.05 or 18-8.15 of this Code.

21 (Source: P.A. 95-331, eff. 8-21-07.)

22 (105 ILCS 5/34-43.1) (from Ch. 122, par. 34-43.1)

23 Sec. 34-43.1. (A) Limitation of noninstructional costs. It
24 is the purpose of this Section to establish for the Board of
25 Education and the general superintendent of schools

1 requirements and standards which maximize the proportion of
2 school district resources in direct support of educational,
3 program, and building maintenance and safety services for the
4 pupils of the district, and which correspondingly minimize the
5 amount and proportion of such resources associated with
6 centralized administration, administrative support services,
7 and other noninstructional services.

8 For the 1989-90 school year and for all subsequent school
9 years, the Board of Education shall undertake budgetary and
10 expenditure control actions which limit the administrative
11 expenditures of the Board of Education to levels, as provided
12 for in this Section, which represent an average of the
13 administrative expenses of all school districts in this State
14 not subject to Article 34.

15 (B) Certification of expenses by the State Superintendent
16 of Education. The State Superintendent of Education shall
17 annually certify, on or before May 1, to the Board of Education
18 and the School Finance Authority, for the applicable school
19 year, the following information:

20 (1) the annual expenditures of all school districts of
21 the State not subject to Article 34 properly attributable
22 to expenditure functions defined by the rules and
23 regulations of the State Board of Education as: 2210
24 (Improvement of Instructional Services); 2300 (Support
25 Services - General Administration) excluding, however,
26 2320 (Executive Administrative Services); 2490 (Other

1 Support Services - School Administration); 2500 (Support
2 Services - Business); 2600 (Support Services - Central);

3 (2) the total annual expenditures of all school
4 districts not subject to Article 34 attributable to the
5 Education Fund, the Operations, Building and Maintenance
6 Fund, the Transportation Fund and the Illinois Municipal
7 Retirement Fund of the several districts, as defined by the
8 rules and regulations of the State Board of Education; and

9 (3) a ratio, to be called the statewide average of
10 administrative expenditures, derived by dividing the
11 expenditures certified pursuant to paragraph (B) (1) by the
12 expenditures certified pursuant to paragraph (B) (2).

13 For purposes of the annual certification of expenditures
14 and ratios required by this Section, the "applicable year" of
15 certification shall initially be the 1986-87 school year and,
16 in sequent years, each succeeding school year.

17 The State Superintendent of Education shall consult with
18 the Board of Education to ascertain whether particular
19 expenditure items allocable to the administrative functions
20 enumerated in paragraph (B) (1) are appropriately or
21 necessarily higher in the applicable school district than in
22 the rest of the State due to noncomparable factors. The State
23 Superintendent shall also review the relevant cost proportions
24 in other large urban school districts. The State Superintendent
25 shall also review the expenditure categories in paragraph
26 (B) (1) to ascertain whether they contain school-level

1 expenses. If he or she finds that adjustments to the formula
2 are appropriate or necessary to establish a more fair and
3 comparable standard for administrative cost for the Board of
4 Education or to exclude school-level expenses, the State
5 Superintendent shall recommend to the School Finance Authority
6 rules and regulations adjusting particular subcategories in
7 this subsection (B) or adjusting certain costs in determining
8 the budget and expenditure items properly attributable to the
9 functions or otherwise adjust the formula.

10 (C) Administrative expenditure limitations. The annual
11 budget of the Board of Education, as adopted and implemented,
12 and the related annual expenditures for the school year, shall
13 reflect a limitation on administrative outlays as required by
14 the following provisions, taking into account any adjustments
15 established by the State Superintendent of Education: (1) the
16 budget and expenditures of the Board of Education for the
17 1989-90 school year shall reflect a ratio of administrative
18 expenditures to total expenditures equal to or less than the
19 statewide average of administrative expenditures for the
20 1986-87 school year as certified by the State Superintendent of
21 Education pursuant to paragraph (B)(3); (2) for the 1990-91
22 school year and for all subsequent school years, the budget and
23 expenditures of the Board of Education shall reflect a ratio of
24 administrative expenditures to total expenditures equal to or
25 less than the statewide average of administrative expenditures
26 certified by the State Superintendent of Education for the

1 applicable year pursuant to paragraph (B)(3); (3) if for any
2 school year the budget of the Board of Education reflects a
3 ratio of administrative expenditures to total expenditures
4 which exceeds the applicable statewide average, the Board of
5 Education shall reduce expenditure items allocable to the
6 administrative functions enumerated in paragraph (B)(1) such
7 that the Board of Education's ratio of administrative
8 expenditures to total expenditures is equal to or less than the
9 applicable statewide average ratio.

10 For purposes of this Section, the ratio of administrative
11 expenditures to the total expenditures of the Board of
12 Education, as applied to the budget of the Board of Education,
13 shall mean: the budgeted expenditure items of the Board of
14 Education properly attributable to the expenditure functions
15 identified in paragraph (B)(1) divided by the total budgeted
16 expenditures of the Board of Education properly attributable to
17 the Board of Education funds corresponding to those funds
18 identified in paragraph (B)(2), exclusive of any monies
19 budgeted for payment to the Public School Teachers' Pension and
20 Retirement System, attributable to payments due from the
21 General Funds of the State of Illinois.

22 The annual expenditure of the Board of Education for 2320
23 (Executive Administrative Services) for the 1989-90 school
24 year shall be no greater than the 2320 expenditure for the
25 1988-89 school year. The annual expenditure of the Board of
26 Education for 2320 for the 1990-91 school year and each

1 subsequent school year shall be no greater than the 2320
2 expenditure for the immediately preceding school year or the
3 1988-89 school year, whichever is less. This annual expenditure
4 limitation may be adjusted in each year in an amount not to
5 exceed any change effective during the applicable school year
6 in salary to be paid under the collective bargaining agreement
7 with instructional personnel to which the Board is a party and
8 in benefit costs either required by law or such collective
9 bargaining agreement.

10 (D) Cost control measures. In undertaking actions to
11 control or reduce expenditure items necessitated by the
12 administrative expenditure limitations of this Section, the
13 Board of Education shall give priority consideration to
14 reductions or cost controls with the least effect upon direct
15 services to students or instructional services for pupils, and
16 upon the safety and well-being of pupils, and, as applicable,
17 with the particular costs or functions to which the Board of
18 Education is higher than the statewide average.

19 For purposes of assuring that the cost control priorities
20 of this subsection (D) are met, the State Superintendent of
21 Education shall, with the assistance of the Board of Education,
22 review the cost allocation practices of the Board of Education,
23 and the State Superintendent of Education shall thereafter
24 recommend to the School Finance Authority rules and regulations
25 which define administrative areas which most impact upon the
26 direct and instructional needs of students and upon the safety

1 and well-being of the pupils of the district. No position
2 closed shall be reopened using State or federal categorical
3 funds.

4 (E) Report of Audited Information. For the 1988-89 school
5 year and for all subsequent school years, the Board of
6 Education shall file with the State Board of Education the
7 Annual Financial Report and its audit, as required by the rules
8 of the State Board of Education. Such reports shall be filed no
9 later than February 15 following the end of the school year of
10 the Board of Education, beginning with the report to be filed
11 no later than February 15, 1990 for the 1988-89 school year.

12 As part of the required Annual Financial Report, the Board
13 of Education shall provide a detailed accounting of the central
14 level, district, bureau and department costs and personnel
15 included within expenditure functions included in paragraph
16 (B)(1). The nature and detail of the reporting required for
17 these functions shall be prescribed by the State Board of
18 Education in rules and regulations. A copy of this detailed
19 accounting shall also be provided annually to the School
20 Finance Authority and the public. This report shall contain a
21 reconciliation to the board of education's adopted budget for
22 that fiscal year, specifically delineating administrative
23 functions.

24 If the information required under this Section is not
25 provided by the Board of Education in a timely manner, or is
26 initially or subsequently determined by the State

1 Superintendent of Education to be incomplete or inaccurate, the
2 State Superintendent shall, in writing, notify the Board of
3 Education of reporting deficiencies. The Board of Education
4 shall, within 60 days of such notice, address the reporting
5 deficiencies identified. If the State Superintendent of
6 Education does not receive satisfactory response to these
7 reporting deficiencies within 60 days, the next payment of
8 general State aid or evidence-based funding due the Board of
9 Education under Section 18-8 or Section 18-8.15, as applicable,
10 and all subsequent payments, shall be withheld by the State
11 Superintendent of Education until the enumerated deficiencies
12 have been addressed.

13 Utilizing the Annual Financial Report, the State
14 Superintendent of Education shall certify on or before May 1 to
15 the School Finance Authority the Board of Education's ratio of
16 administrative expenditures to total expenditures for the
17 1988-89 school year and for each succeeding school year. Such
18 certification shall indicate the extent to which the
19 administrative expenditure ratio of the Board of Education
20 conformed to the limitations required in subsection (C) of this
21 Section, taking into account any adjustments of the limitations
22 which may have been recommended by the State Superintendent of
23 Education to the School Finance Authority. In deriving the
24 administrative expenditure ratio of the Chicago Board of
25 Education, the State Superintendent of Education shall utilize
26 the definition of this ratio prescribed in subsection (C) of

1 this Section, except that the actual expenditures of the Board
2 of Education shall be substituted for budgeted expenditure
3 items.

4 (F) Approval and adjustments to administrative expenditure
5 limitations. The School Finance Authority organized under
6 Article 34A shall monitor the Board of Education's adherence to
7 the requirements of this Section. As part of its responsibility
8 the School Finance Authority shall determine whether the Board
9 of Education's budget for the next school year, and the
10 expenditures for a prior school year, comply with the
11 limitation of administrative expenditures required by this
12 Section. The Board of Education and the State Board of
13 Education shall provide such information as is required by the
14 School Finance Authority in order for the Authority to
15 determine compliance with the provisions of this Section. If
16 the Authority determines that the budget proposed by the Board
17 of Education does not meet the cost control requirements of
18 this Section, the Board of Education shall undertake budgetary
19 reductions, consistent with the requirements of this Section,
20 to bring the proposed budget into compliance with such cost
21 control limitations.

22 If, in formulating cost control and cost reduction
23 alternatives, the Board of Education believes that meeting the
24 cost control requirements of this Section related to the budget
25 for the ensuing year would impair the education, safety, or
26 well-being of the pupils of the school district, the Board of

1 Education may request that the School Finance Authority make
2 adjustments to the limitations required by this Section. The
3 Board of Education shall specify the amount, nature, and
4 reasons for the relief required and shall also identify cost
5 reductions which can be made in expenditure functions not
6 enumerated in paragraph (B) (1), which would serve the purposes
7 of this Section.

8 The School Finance Authority shall consult with the State
9 Superintendent of Education concerning the reasonableness from
10 an educational administration perspective of the adjustments
11 sought by the Board of Education. The School Finance Authority
12 shall provide an opportunity for the public to comment upon the
13 reasonableness of the Board's request. If, after such
14 consultation, the School Finance Authority determines that all
15 or a portion of the adjustments sought by the Board of
16 Education are reasonably appropriate or necessary, the
17 Authority may grant such relief from the provisions of this
18 Section which the Authority deems appropriate. Adjustments so
19 granted apply only to the specific school year for which the
20 request was made.

21 In the event that the School Finance Authority determines
22 that the Board of Education has failed to achieve the required
23 administrative expenditure limitations for a prior school
24 year, or if the Authority determines that the Board of
25 Education has not met the requirements of subsection (F), the
26 Authority shall make recommendations to the Board of Education

1 concerning appropriate corrective actions. If the Board of
2 Education fails to provide adequate assurance to the Authority
3 that appropriate corrective actions have been or will be taken,
4 the Authority may, within 60 days thereafter, require the board
5 to adjust its current budget to correct for the prior year's
6 shortage or may recommend to the members of the General
7 Assembly and the Governor such sanctions or remedial actions as
8 will serve to deter any further such failures on the part of
9 the Board of Education.

10 To assist the Authority in its monitoring
11 responsibilities, the Board of Education shall provide such
12 reports and information as are from time to time required by
13 the Authority.

14 (G) Independent reviews of administrative expenditures.
15 The School Finance Authority may direct independent reviews of
16 the administrative and administrative support expenditures and
17 services and other non-instructional expenditure functions of
18 the Board of Education. The Board of Education shall afford
19 full cooperation to the School Finance Authority in such review
20 activity. The purpose of such reviews shall be to verify
21 specific targets for improved operating efficiencies of the
22 Board of Education, to identify other areas of potential
23 efficiencies, and to assure full and proper compliance by the
24 Board of Education with all requirements of this Section.

25 In the conduct of reviews under this subsection, the
26 Authority may request the assistance and consultation of the

1 State Superintendent of Education with regard to questions of
2 efficiency and effectiveness in educational administration.

3 (H) Reports to Governor and General Assembly. On or before
4 May 1, 1991 and no less frequently than yearly thereafter, the
5 School Finance Authority shall provide to the Governor, the
6 State Board of Education, and the members of the General
7 Assembly an annual report, as outlined in Section 34A-606,
8 which includes the following information: (1) documenting the
9 compliance or non-compliance of the Board of Education with the
10 requirements of this Section; (2) summarizing the costs,
11 findings, and recommendations of any reviews directed by the
12 School Finance Authority, and the response to such
13 recommendations made by the Board of Education; and (3)
14 recommending sanctions or legislation necessary to fulfill the
15 intent of this Section.

16 (Source: P.A. 86-124; 86-1477.)

17 Section 50. The Educational Opportunity for Military
18 Children Act is amended by changing Section 25 as follows:

19 (105 ILCS 70/25)

20 Sec. 25. Tuition for children of active duty military
21 personnel who are transfer students. If a student who is a
22 child of active duty military personnel is (i) placed with a
23 non-custodial parent and (ii) as a result of placement, must
24 attend a non-resident school district, then the student must

1 not be charged the tuition of the school that the student
2 attends as a result of placement with the non-custodial parent
3 and the student must be counted in the calculation of average
4 daily attendance under Section 18-8.05 or 18-8.15 of the School
5 Code.

6 (Source: P.A. 98-673, eff. 6-30-14.)

7 Section 60. The Childhood Hunger Relief Act is amended by
8 changing Section 15 as follows:

9 (105 ILCS 126/15)

10 Sec. 15. School breakfast program.

11 (a) The board of education of each school district in this
12 State shall implement and operate a school breakfast program in
13 the next school year, if a breakfast program does not currently
14 exist, in accordance with federal guidelines in each school
15 building within its district in which at least 40% or more of
16 the students are eligible for free or reduced-price lunches
17 based upon the current year's October claim (for those schools
18 that participate in the National School Lunch Program) or in
19 which at least 40% or more of the students are classified as
20 low-income according to the Fall Housing Data from the previous
21 year (for those schools that do not participate in the National
22 School Lunch Program).

23 (b) School districts may charge students who do not meet
24 federal criteria for free school meals for the breakfasts

1 served to these students within the allowable limits set by
2 federal regulations.

3 (c) School breakfast programs established under this
4 Section shall be supported entirely by federal funds and
5 commodities, charges to students and other participants, and
6 other available State and local resources, including under the
7 School Breakfast and Lunch Program Act. Allowable costs for
8 reimbursement to school districts, in accordance with the
9 United States Department of Agriculture, include compensation
10 of employees for the time devoted and identified specifically
11 to implement the school breakfast program; the cost of
12 materials acquired, consumed, or expended specifically to
13 implement the school breakfast program; equipment and other
14 approved capital expenditures necessary to implement the
15 school breakfast program; and transportation expenses incurred
16 specifically to implement and operate the school breakfast
17 program.

18 Notwithstanding anything to the contrary contained in this
19 Section, the State Board of Education shall award to a school
20 district having a population exceeding 500,000 inhabitants
21 50.7% of the funds appropriated by the General Assembly for any
22 fiscal year for purposes of payment of claims under this
23 Section.

24 (d) A school district shall be allowed to opt out a school
25 or schools from the school breakfast program requirement of
26 this Section if it is determined that, due to circumstances

1 specific to that school district, the expense reimbursement
2 would not fully cover the costs of implementing and operating a
3 school breakfast program. The school district shall petition
4 its regional superintendent of schools by February 15 of each
5 year to request to be exempt from operating the school
6 breakfast program in the school or schools in the next school
7 year. The petition shall include all legitimate costs
8 associated with implementing and operating a school breakfast
9 program, the estimated reimbursement from State and federal
10 sources, and any unique circumstances the school district can
11 verify that exist that would cause the implementation and
12 operation of such a program to be cost prohibitive.

13 The regional superintendent of schools shall review the
14 petition. In accordance with the Open Meetings Act, he or she
15 shall convene a public hearing to hear testimony from the
16 school district and interested community members. The regional
17 superintendent shall, by March 15 of each year, inform the
18 school district of his or her decision, along with the reasons
19 why the exemption was granted or denied, in writing. The
20 regional superintendent must also send notification to the
21 State Board of Education detailing which schools requested an
22 exemption and the results. If the regional superintendent
23 grants an exemption to the school district, then the school
24 district is relieved from the requirement to establish and
25 implement a school breakfast program in the school or schools
26 granted an exemption for the next school year.

1 If the regional superintendent of schools does not grant an
2 exemption, then the school district shall implement and operate
3 a school breakfast program in accordance with this Section by
4 the first student attendance day of the next school year.
5 However, the school district or a resident of the school
6 district may by April 15 appeal the decision of the regional
7 superintendent to the State Superintendent of Education. The
8 State Superintendent shall hear appeals on the decisions of
9 regional superintendents of schools no later than May 15 of
10 each year. The State Superintendent shall make a final decision
11 at the conclusion of the hearing on the school district's
12 request for an exemption from the school breakfast program
13 requirement. If the State Superintendent grants an exemption,
14 then the school district is relieved from the requirement to
15 implement and operate a school breakfast program in the school
16 or schools granted an exemption for the next school year. If
17 the State Superintendent does not grant an exemption, then the
18 school district shall implement and operate a school breakfast
19 program in accordance with this Section by the first student
20 attendance day of the next school year.

21 A school district may not attempt to opt out a school or
22 schools from the school breakfast program requirement of this
23 Section by requesting a waiver under Section 2-3.25g of the
24 School Code.

25 (Source: P.A. 96-158, eff. 8-7-09.)

1 Section 95. No acceleration or delay. Where this Act makes
2 changes in a statute that is represented in this Act by text
3 that is not yet or no longer in effect (for example, a Section
4 represented by multiple versions), the use of that text does
5 not accelerate or delay the taking effect of (i) the changes
6 made by this Act or (ii) provisions derived from any other
7 Public Act.

8 Section 97. Savings clause. Any repeal or amendment made by
9 this Act shall not affect or impair any of the following: suits
10 pending or rights existing at the time this Act takes effect;
11 any grant or conveyance made or right acquired or cause of
12 action now existing under any Section, Article, or Act repealed
13 or amended by this Act; the validity of any bonds or other
14 obligations issued or sold and constituting valid obligations
15 of the issuing authority at the time this Act takes effect; the
16 validity of any contract; the validity of any tax levied under
17 any law in effect prior to the effective date of this Act; or
18 any offense committed, act done, penalty, punishment, or
19 forfeiture incurred or any claim, right, power, or remedy
20 accrued under any law in effect prior to the effective date of
21 this Act.

22 Section 99. Effective date. This Act takes effect upon
23 becoming law."