



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5588

by Rep. Fred Crespo

SYNOPSIS AS INTRODUCED:

See Index

Amends the School Code. With regard to the State Board of Education developing recognition standards for student performance and school improvement, removes provisions providing for a Multiple Measure Index in determining standards for student performance. Changes references from the "No Child Left Behind Act of 2001" to the "Every Student Succeeds Act". Provides that, beginning in fiscal year 2018, the State Board of Education may identify a school district as eligible for targeted and comprehensive services under the federal Every Student Succeeds Act. Requires a 21st Century Community Learning Center Grant Program to provide grants to support whole child-focused (rather than academically focused) after-school programs that are aligned with the regular academic programs of a school and the academic needs of students who attend a high-poverty, low-performing school. Requires the State Board of Education to administer a climate survey to provide feedback from, at minimum, students in grades 4 through 12 and teachers on the instructional environment within a school. Repeals provisions governing the Multiple Measure Index and Annual Measurable Objectives, class size reduction grant programs, and highly qualified teachers under the federal No Child Left Behind Act of 2001. Makes other changes. Effective immediately.

LRB100 20323 AXK 35610 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by changing Sections
5 2-3.25a, 2-3.25n, 2-3.52A, 2-3.61a, 2-3.64a-5, 2-3.153,
6 10-20.39, 10-21.3a, 10-29, 34-1.1, 34-3.5, 34-18.24, and
7 34-18.31 as follows:

8 (105 ILCS 5/2-3.25a) (from Ch. 122, par. 2-3.25a)

9 Sec. 2-3.25a. "School district" defined; additional
10 standards.

11 (a) For the purposes of this Section and Sections 3.25b,
12 3.25c, ~~3.25d~~, 3.25e, and 3.25f of this Code, "school district"
13 includes other public entities responsible for administering
14 public schools, such as cooperatives, joint agreements,
15 charter schools, special charter districts, regional offices
16 of education, local agencies, and the Department of Human
17 Services.

18 (b) In addition to the standards established pursuant to
19 Section 2-3.25, the State Board of Education shall develop
20 recognition standards for student performance and school
21 improvement for all school districts and their individual
22 schools, which must be an outcomes-based, balanced
23 accountability measure. The State Board of Education is

1 prohibited from having separate performance standards for
2 students based on race or ethnicity.

3 ~~The Subject to the availability of federal, State, public,~~
4 ~~or private funds, the~~ balanced accountability measure must be
5 designed to focus on 2 components, student performance and
6 professional practice. ~~The student performance component shall~~
7 ~~count for 30% of the total balanced accountability measure, and~~
8 ~~the professional practice component shall count for 70% of the~~
9 ~~total balanced accountability measure.~~ The student performance
10 component shall focus on student outcomes and closing the
11 achievement gaps within each school district and its individual
12 schools ~~using a Multiple Measure Index and Annual Measurable~~
13 ~~Objectives, as set forth in Section 2-3.25d of this Code.~~ The
14 professional practice component shall focus on the degree to
15 which a school district, as well as its individual schools, is
16 implementing evidence-based, best professional practices and
17 exhibiting continued improvement. ~~Beginning with the 2015-2016~~
18 ~~school year, the balanced accountability measure shall consist~~
19 ~~of only the student performance component, which shall account~~
20 ~~for 100% of the total balanced accountability measure.~~ From the
21 2017-2018 school year through the 2022-2023 school year, the
22 State Board of Education and a Balanced Accountability Measure
23 Committee shall identify a number of school districts per the
24 designated school years to begin implementing the balanced
25 accountability measure, which includes both the student
26 performance and professional practice components. ~~By the~~

1 ~~2022-2023 school year, all school districts must be~~
2 ~~implementing the balanced accountability measure, which~~
3 ~~includes both components.~~ The Balanced Accountability Measure
4 Committee shall consist of the following individuals: a
5 representative of a statewide association representing
6 regional superintendents of schools, a representative of a
7 statewide association representing principals, a
8 representative of an association representing principals in a
9 city having a population exceeding 500,000, a representative of
10 a statewide association representing school administrators, a
11 representative of a statewide professional teachers'
12 organization, a representative of a different statewide
13 professional teachers' organization, an additional
14 representative from either statewide professional teachers'
15 organization, a representative of a professional teachers'
16 organization in a city having a population exceeding 500,000, a
17 representative of a statewide association representing school
18 boards, and a representative of a school district organized
19 under Article 34 of this Code. The head of each association or
20 entity listed in this paragraph shall appoint its respective
21 representative. The State Superintendent of Education, in
22 consultation with the Committee, may appoint no more than 2
23 additional individuals to the Committee, which individuals
24 shall serve in an advisory role and must not have voting or
25 other decision-making rights. The Committee is abolished on
26 June 1, 2023.

1 ~~Using a Multiple Measure Index consistent with subsection~~
2 ~~(a) of Section 2-3.25d of this Code, the student performance~~
3 ~~component shall consist of the following subcategories, each of~~
4 ~~which must be valued at 10%:~~

5 ~~(1) achievement status;~~

6 ~~(2) achievement growth; and~~

7 ~~(3) Annual Measurable Objectives, as set forth in~~

8 ~~subsection (b) of Section 2-3.25d of this Code.~~

9 ~~Achievement status shall measure and assess college and career~~
10 ~~readiness, as well as the graduation rate. Achievement growth~~
11 ~~shall measure the school district's and its individual schools'~~
12 ~~student growth via this State's growth value tables. Annual~~
13 ~~Measurable Objectives shall measure the degree to which school~~
14 ~~districts, as well as their individual schools, are closing~~
15 ~~their achievement gaps among their student population and~~
16 ~~subgroups.~~

17 ~~The professional practice component shall consist of the~~
18 ~~following subcategories:~~

19 ~~(A) compliance;~~

20 ~~(B) evidence-based best practices; and~~

21 ~~(C) contextual improvement.~~

22 ~~Compliance, which shall count for 10%, shall measure the degree~~
23 ~~to which a school district and its individual schools meet the~~
24 ~~current State compliance requirements. Evidence-based best~~
25 ~~practices, which shall count for 30%, shall measure the degree~~
26 ~~to which school districts and their individual schools are~~

1 ~~adhering to a set of evidence-based quality standards and best~~
2 ~~practice for effective schools that include (i) continuous~~
3 ~~improvement, (ii) culture and climate, (iii) shared~~
4 ~~leadership, (iv) governance, (v) education and employee~~
5 ~~quality, (vi) family and community connections, and (vii)~~
6 ~~student and learning development and are further developed in~~
7 ~~consultation with the State Board of Education and the Balanced~~
8 ~~Accountability Measure Committee set forth in this subsection~~
9 ~~(b). Contextual improvement, which shall count for 30%, shall~~
10 ~~provide school districts and their individual schools the~~
11 ~~opportunity to demonstrate improved outcomes through local~~
12 ~~data, including without limitation school climate, unique~~
13 ~~characteristics, and barriers that impact the educational~~
14 ~~environment and hinder the development and implementation of~~
15 ~~action plans to address areas of school district and individual~~
16 ~~school improvement. Each school district, in good faith~~
17 ~~cooperation with its teachers or, where applicable, the~~
18 ~~exclusive bargaining representatives of its teachers, shall~~
19 ~~develop 2 measurable objectives to demonstrate contextual~~
20 ~~improvement, each of which must be equally weighted. Each~~
21 ~~school district shall begin such good faith cooperative~~
22 ~~development of these objectives no later than 6 months prior to~~
23 ~~the beginning of the school year in which the school district~~
24 ~~is to implement the professional practice component of the~~
25 ~~balanced accountability measure. The professional practice~~
26 ~~component must be scored using trained peer review teams that~~

1 ~~observe and verify school district practices using an~~
2 ~~evidence-based framework.~~

3 The balanced accountability measure shall combine the
4 student performance and professional practice components into
5 one summative score based on 100 points at the school district
6 and individual-school level. A school district shall be
7 designated as "Exceeds Standards - Exemplar" if the overall
8 score is 100 to 90, "Meets Standards - Proficient" if the
9 overall score is 89 to 75, "Approaching Standards - Needs
10 Improvement" if the overall score is 74 to 60, and "Below
11 Standards - Unsatisfactory" if the overall score is 59 to 0.
12 The balanced accountability measure shall also detail both
13 incentives that reward school districts for continued improved
14 performance, as provided in Section 2-3.25c of this Code, and
15 consequences for school districts that fail to provide evidence
16 of continued improved performance, which may include
17 presentation of a barrier analysis, additional school board and
18 administrator training, or additional State assistance. Based
19 on its summative score, a school district may be exempt from
20 the balanced accountability measure for one or more school
21 years. The State Board of Education, in collaboration with the
22 Balanced Accountability Measure Committee set forth in this
23 subsection (b), shall adopt rules that further implementation
24 in accordance with the requirements of this Section.

25 (Source: P.A. 99-84, eff. 1-1-16; 99-193, eff. 7-30-15; 99-642,
26 eff. 7-28-16; 99-657, eff. 7-28-16.)

1 (105 ILCS 5/2-3.25n)

2 Sec. 2-3.25n. Every Student Succeeds ~~No Child Left Behind~~
3 Act; requirements and construction.

4 (a) ~~The changes in the State accountability system made by~~
5 ~~this amendatory Act of the 93rd General Assembly are a direct~~
6 ~~result of the federal Every Student Succeeds Act ~~No Child Left~~~~
7 ~~Behind Act of 2001 (Public Law 107-110), which~~ requires that
8 each state develop and implement a single, statewide
9 accountability system applicable to all schools and school
10 districts.

11 (b) As provided in the federal Every Student Succeeds Act
12 ~~No Child Left Behind Act of 2001 (Public Law 107-110)~~, nothing
13 in this amendatory Act of the 93rd General Assembly shall be
14 construed to alter or otherwise affect the rights, remedies,
15 and procedures afforded school district or school employees
16 under federal, State, or local law (including applicable rules,
17 regulations, or court orders) or under the terms of collective
18 bargaining agreements, memoranda of understanding, or other
19 agreements between such employees and their employers.

20 (c) Beginning in fiscal year 2018, the State Board of
21 Education may identify a school district as eligible for
22 targeted and comprehensive services under the federal Every
23 Student Succeeds Act.

24 (Source: P.A. 93-470, eff. 8-8-03.)

1 (105 ILCS 5/2-3.52A) (from Ch. 122, par. 2-3.52A)

2 Sec. 2-3.52A. Pilot programs. To improve the quality of
3 teaching as a profession the State Board of Education may,
4 pursuant to the federal Every Student Succeeds Act and
5 appropriations for such purposes, establish pilot programs for
6 teachers relating to clinical schools, restructuring the
7 teaching workplace, and providing special assistance and
8 support to beginning teachers. Such programs shall be conducted
9 in accordance with rules adopted by the State Board of
10 Education. Such rules shall provide for, but not be limited to,
11 advisory councils and annual reports on the progress of the
12 pilot programs.

13 (Source: P.A. 85-322.)

14 (105 ILCS 5/2-3.61a)

15 Sec. 2-3.61a. 21st Century Community Learning Center Grant
16 Program.

17 (a) The State Board of Education shall be the designated
18 agency responsible for the administration of programs under
19 Part I of Subchapter X of Chapter 70 of the federal Elementary
20 and Secondary Education Act of 1965.

21 (b) The State Board of Education shall establish and
22 implement a 21st Century Community Learning Center Grant
23 Program, in accordance with federal guidelines, to provide
24 grants to support whole child-focused ~~academically focused~~
25 after-school programs that are aligned with the regular

1 academic programs of a school and the academic needs of
2 students who attend a high-poverty, low-performing school.
3 These grants shall be used to help those students who attend
4 high-poverty, low-performing schools meet State and local
5 performance standards in core academic subjects ~~for students~~
6 ~~who attend high poverty, low performing schools. These grants~~
7 ~~shall be used to help those students who attend high poverty,~~
8 ~~low performing schools meet State and local performance~~
9 ~~standards in core academic subjects~~ and to offer opportunities
10 for families of participating students to have meaningful
11 engagement in their children's education that are linked to
12 learning and healthy development outcomes ~~opportunities for~~
13 ~~improved literacy and related educational development.~~

14 The State Board of Education shall award grants to eligible
15 applicants that are of sufficient size and scope to implement
16 ~~support high quality,~~ effective after-school programs, to
17 ensure reasonable success of achieving the goals identified in
18 the grant application, and to offer those activities that are
19 necessary to achieve these goals and performance indicators and
20 measures with a direct link to student achievement.

21 (c) Using State funds, subject to appropriation, and any
22 federal funds received for this purpose, the State Board of
23 Education may establish any other grant programs that are
24 necessary to establish high-quality, academically based,
25 after-school programs that include family-centered education
26 activities.

1 (d) The State Board of Education may adopt any rules
2 necessary to implement this Section.

3 (Source: P.A. 93-374, eff. 7-24-03.)

4 (105 ILCS 5/2-3.64a-5)

5 Sec. 2-3.64a-5. State goals and assessment.

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

15 (b) The State Board of Education shall establish the
16 academic standards that are to be applicable to students who
17 are subject to State assessments under this Section. The State
18 Board of Education shall not establish any such standards in
19 final form without first providing opportunities for public
20 participation and local input in the development of the final
21 academic standards. Those opportunities shall include a
22 well-publicized period of public comment and opportunities to
23 file written comments.

24 (c) Beginning no later than the 2014-2015 school year, the
25 State Board of Education shall annually assess all students

1 enrolled in grades 3 through 8 in English language arts and
2 mathematics.

3 Beginning no later than the 2017-2018 school year, the
4 State Board of Education shall annually assess all students in
5 science at one grade in grades 3 through 5, at one grade in
6 grades 6 through 8, and at one grade in grades 9 through 12.

7 The State Board of Education shall annually assess schools
8 that operate a secondary education program, as defined in
9 Section 22-22 of this Code, in English language arts and
10 mathematics. The State Board of Education shall administer no
11 more than 3 assessments, per student, of English language arts
12 and mathematics for students in a secondary education program.
13 One of these assessments shall include a college and career
14 ready determination that shall be accepted by this State's
15 public institutions of higher education, as defined in the
16 Board of Higher Education Act, for the purpose of student
17 application or admissions consideration. The assessment
18 administered by the State Board of Education for the purpose of
19 student application to or admissions consideration by
20 institutions of higher education must be administered on a
21 school day during regular student attendance hours.

22 Students who are not assessed for college and career ready
23 determinations may not receive a regular high school diploma
24 unless the student is exempted from taking State assessments
25 under subsection (d) of this Section because (i) the student's
26 individualized educational program developed under Article 14

1 of this Code identifies the State assessment as inappropriate
2 for the student, (ii) the student is enrolled in a program of
3 adult and continuing education, as defined in the Adult
4 Education Act, (iii) the school district is not required to
5 assess the individual student for purposes of accountability
6 under federal Every Student Succeeds Act ~~No Child Left Behind~~
7 ~~Act of 2001~~ requirements, (iv) the student has been determined
8 to be an English learner and has been enrolled in schools in
9 the United States for less than 12 months, or (v) the student
10 is otherwise identified by the State Board of Education,
11 through rules, as being exempt from the assessment.

12 The State Board of Education shall not assess students
13 under this Section in subjects not required by this Section.

14 Districts shall inform their students of the timelines and
15 procedures applicable to their participation in every yearly
16 administration of the State assessments. The State Board of
17 Education shall establish periods of time in each school year
18 during which State assessments shall occur to meet the
19 objectives of this Section.

20 (d) Every individualized educational program as described
21 in Article 14 shall identify if the State assessment or
22 components thereof are appropriate for the student. The State
23 Board of Education shall develop rules governing the
24 administration of an alternate assessment that may be available
25 to students for whom participation in this State's regular
26 assessments is not appropriate, even with accommodations as

1 allowed under this Section.

2 Students receiving special education services whose
3 individualized educational programs identify them as eligible
4 for the alternative State assessments nevertheless shall have
5 the option of taking this State's regular assessment that
6 includes a college and career ready determination, which shall
7 be administered in accordance with the eligible accommodations
8 appropriate for meeting these students' respective needs.

9 All students determined to be English learners shall
10 participate in the State assessments, excepting those students
11 who have been enrolled in schools in the United States for less
12 than 12 months. Such students may be exempted from
13 participation in one annual administration of the English
14 language arts assessment. Any student determined to be an
15 English learner shall receive appropriate assessment
16 accommodations, including language supports, which shall be
17 established by rule. Approved assessment accommodations must
18 be provided until the student's English language skills develop
19 to the extent that the student is no longer considered to be an
20 English learner, as demonstrated through a State-identified
21 English language proficiency assessment.

22 (e) The results or scores of each assessment taken under
23 this Section shall be made available to the parents of each
24 student.

25 In each school year, the scores attained by a student on
26 the State assessment that includes a college and career ready

1 determination must be placed in the student's permanent record
2 pursuant to rules that the State Board of Education shall adopt
3 for that purpose in accordance with Section 3 of the Illinois
4 School Student Records Act. In each school year, the scores
5 attained by a student on the State assessments administered in
6 grades 3 through 8 must be placed in the student's temporary
7 record.

8 (f) All schools shall administer an academic assessment of
9 English language proficiency in oral language (listening and
10 speaking) and reading and writing skills to all children
11 determined to be English learners.

12 (g) All schools in this State that are part of the sample
13 drawn by the National Center for Education Statistics, in
14 collaboration with their school districts and the State Board
15 of Education, shall administer the biennial academic
16 assessments under the National Assessment of Educational
17 Progress carried out under Section 411(b)(2) of the federal
18 National Education Statistics Act of 1994 (20 U.S.C. 9010) if
19 the U.S. Secretary of Education pays the costs of administering
20 the assessments.

21 (h) Subject to available funds to this State for the
22 purpose of student assessment, the State Board of Education
23 shall provide additional assessments and assessment resources
24 that may be used by school districts for local assessment
25 purposes. The State Board of Education shall annually
26 distribute a listing of these additional resources.

1 (i) For the purposes of this subsection (i), "academically
2 based assessments" means assessments consisting of questions
3 and answers that are measurable and quantifiable to measure the
4 knowledge, skills, and ability of students in the subject
5 matters covered by the assessments. All assessments
6 administered pursuant to this Section must be academically
7 based assessments. The scoring of academically based
8 assessments shall be reliable, valid, and fair and shall meet
9 the guidelines for assessment development and use prescribed by
10 the American Psychological Association, the National Council
11 on Measurement in Education, and the American Educational
12 Research Association.

13 The State Board of Education shall review the use of all
14 assessment item types in order to ensure that they are valid
15 and reliable indicators of student performance aligned to the
16 learning standards being assessed and that the development,
17 administration, and scoring of these item types are justifiable
18 in terms of cost.

19 (j) The State Superintendent of Education shall appoint a
20 committee of no more than 21 members, consisting of parents,
21 teachers, school administrators, school board members,
22 assessment experts, regional superintendents of schools, and
23 citizens, to review the State assessments administered by the
24 State Board of Education. The Committee shall select one of its
25 members as its chairperson. The Committee shall meet on an
26 ongoing basis to review the content and design of the

1 assessments (including whether the requirements of subsection
2 (i) of this Section have been met), the time and money expended
3 at the local and State levels to prepare for and administer the
4 assessments, the collective results of the assessments as
5 measured against the stated purpose of assessing student
6 performance, and other issues involving the assessments
7 identified by the Committee. The Committee shall make periodic
8 recommendations to the State Superintendent of Education and
9 the General Assembly concerning the assessments.

10 (k) The State Board of Education may adopt rules to
11 implement this Section.

12 (Source: P.A. 99-30, eff. 7-10-15; 99-185, eff. 1-1-16; 99-642,
13 eff. 7-28-16; 100-7, eff. 7-1-17; 100-222, eff. 8-18-17;
14 revised 9-22-17.)

15 (105 ILCS 5/2-3.153)

16 Sec. 2-3.153. Survey of learning conditions.

17 (a) The State Board of Education shall administer a climate
18 survey, identified by and paid for by the State Board of
19 Education, select for statewide administration an instrument
20 to provide feedback from, at a minimum, students in grades 4 ~~6~~
21 through 12 and teachers on the instructional environment within
22 a school. Each ~~after giving consideration to the~~
23 ~~recommendations of the Performance Evaluation Advisory Council~~
24 ~~made pursuant to subdivision (6) of subsection (a) of Section~~
25 ~~24A-20 of this Code. Subject to appropriation to the State~~

1 ~~Board of Education for the State's cost of development and~~
2 ~~administration and, subject to subsections (b) and (c) of this~~
3 ~~Section, each~~ school district shall annually administer, ~~at~~
4 ~~least biennially,~~ the climate survey instrument in every public
5 school attendance center by a date specified by the State
6 Superintendent of Education, and data resulting from the
7 instrument's administration must be provided to the State Board
8 of Education. The survey component that requires completion by
9 the teachers must be administered during teacher meetings or
10 professional development days or at other times that would not
11 interfere with the teachers' regular classroom and direct
12 instructional duties. The State Superintendent, ~~following~~
13 ~~consultation with teachers, principals, and other appropriate~~
14 ~~stakeholders,~~ shall publicly report on the survey selected
15 indicators of learning conditions resulting from
16 administration of the instrument at the individual school,
17 district, and State levels and shall identify whether the
18 indicators result from an anonymous administration of the
19 instrument. ~~If in any year the appropriation to the State Board~~
20 ~~of Education is insufficient for the State's costs associated~~
21 ~~with statewide administration of the instrument, the State~~
22 ~~Board of Education shall give priority to districts with~~
23 ~~low-performing schools and a representative sample of other~~
24 ~~districts.~~

25 (b) A school district may elect to use, on a district-wide
26 basis and at the school district's sole cost and expense, an

1 alternate climate survey of learning conditions instrument
2 pre-approved by the State Superintendent under subsection (c)
3 of this Section in lieu of the State-adopted climate survey
4 ~~statewide survey instrument selected under subsection (a) of~~
5 ~~this Section~~, provided that:

6 (1) the school district notifies the State Board of
7 Education, on a form provided by the State Superintendent,
8 of its intent to administer an alternate climate survey
9 ~~instrument~~ on or before a date established by the State
10 Superintendent for ~~the 2014 2015 school year and August 1~~
11 ~~of each subsequent school year during which the instrument~~
12 ~~will be administered;~~

13 (2) the notification submitted to the State Board under
14 paragraph (1) of this subsection (b) must be accompanied by
15 a certification signed by the president of the local
16 teachers' exclusive bargaining representative and
17 president of the school board indicating that the alternate
18 survey has been agreed to by the teachers' exclusive
19 bargaining representative and the school board;

20 (3) the school district's administration of the
21 alternate instrument, including providing to the State
22 Board of Education data and reports suitable to be
23 published on school report cards and the State School
24 Report Card Internet website, is performed in accordance
25 with the requirements of subsection (a) of this Section;
26 and

1 (4) the alternate instrument is administered each
2 school year ~~that the statewide survey instrument is~~
3 ~~administered; if the statewide survey is not administrated~~
4 ~~in a given school year, the school district is not required~~
5 ~~to provide the alternative instrument in that given school~~
6 ~~year.~~

7 (c) The State Superintendent, in consultation with
8 teachers, principals, superintendents, and other appropriate
9 stakeholders, shall administer an approval process through
10 which at least 3 ~~2~~, but not more than 5 ~~3~~, alternate survey of
11 learning conditions instruments will be approved by the State
12 Superintendent following a determination by the State
13 Superintendent that each approved instrument:

14 (1) meets all requirements of subsection (a) of this
15 Section;

16 (2) provides a summation of indicator results of the
17 alternative survey by a date established by the State
18 Superintendent in a manner that allows the indicator
19 results to be included on school report cards pursuant to
20 Section 10-17a of this Code by October 31 of the school
21 year following the instrument's administration;

22 (3) provides summary reports for each district and
23 attendance center intended for parents and community
24 stakeholders;

25 (4) meets scale reliability requirements using
26 accepted testing measures;

1 (5) provides research-based evidence linking
2 instrument content to one or more improved student
3 outcomes; and

4 (6) has undergone and documented testing to prove
5 validity and reliability.

6 The State Superintendent shall periodically review and update
7 the list of approved alternate survey instruments, provided
8 that at least 2, but no more than 3, alternate survey
9 instruments shall be approved for use during any school year.

10 (d) (Blank). ~~Nothing contained in this amendatory Act of~~
11 ~~the 98th General Assembly repeals, supersedes, invalidates, or~~
12 ~~nullifies final decisions in lawsuits pending on the effective~~
13 ~~date of this amendatory Act of the 98th General Assembly in~~
14 ~~Illinois courts involving the interpretation of Public Act~~
15 ~~97-8.~~

16 (Source: P.A. 97-8, eff. 6-13-11; 97-813, eff. 7-13-12; 98-648,
17 eff. 7-1-14.)

18 (105 ILCS 5/10-20.39)

19 Sec. 10-20.39. Highly qualified teachers; Every Student
20 Succeeds ~~No Child Left Behind~~ Act funds. If a school district
21 has an overall shortage of highly qualified teachers, as
22 defined by the federal Every Student Succeeds Act ~~No Child Left~~
23 ~~Behind Act of 2001 (Public Law 107-110)~~, or a shortage of
24 highly qualified teachers in the subject area of mathematics,
25 science, reading, or special education, then the school board

1 must spend at least 40% of the money it receives from Title 2
2 grants under the Act on recruitment and retention initiatives
3 to assist in recruiting and retaining highly qualified teachers
4 (in a specific subject area if applicable) as specified in
5 paragraphs (1) (B), (2) (A), (2) (B), (4) (A), (4) (B), and (4) (C)
6 of subsection (a) of Section 2123 of the Act until there is no
7 longer a shortage of highly qualified teachers (in a specific
8 subject area if applicable). As the number of highly qualified
9 teachers in the district increases, however, the school board
10 may spend any surplus of the minimum 40% of funds dedicated to
11 addressing the highly qualified teacher shortage in any manner
12 the school board deems appropriate.

13 (Source: P.A. 93-997, eff. 8-23-04.)

14 (105 ILCS 5/10-21.3a)

15 Sec. 10-21.3a. Transfer of students.

16 (a) Each school board shall establish and implement a
17 policy governing the transfer of a student from one attendance
18 center to another within the school district upon the request
19 of the student's parent or guardian. ~~Any request by a parent or~~
20 ~~guardian to transfer his or her child from one attendance~~
21 ~~center to another within the school district pursuant to~~
22 ~~Section 1116 of the federal Elementary and Secondary Education~~
23 ~~Act of 1965 (20 U.S.C. Sec. 6316) must be made no later than 30~~
24 ~~days after the parent or guardian receives notice of the right~~
25 ~~to transfer pursuant to that law.~~ A student may not transfer to

1 any of the following attendance centers, except by change in
2 residence if the policy authorizes enrollment based on
3 residence in an attendance area or unless approved by the board
4 on an individual basis:

5 (1) An attendance center that exceeds or as a result of
6 the transfer would exceed its attendance capacity.

7 (2) An attendance center for which the board has
8 established academic criteria for enrollment if the
9 student does not meet the criteria, ~~provided that the~~
10 ~~transfer must be permitted if the attendance center is the~~
11 ~~only attendance center serving the student's grade that has~~
12 ~~not been identified for school improvement, corrective~~
13 ~~action, or restructuring under Section 1116 of the federal~~
14 ~~Elementary and Secondary Education Act of 1965 (20 U.S.C.~~
15 ~~Sec. 6316).~~

16 (3) Any attendance center if the transfer would prevent
17 the school district from meeting its obligations under a
18 State or federal law, court order, or consent decree
19 applicable to the school district.

20 (b) Each school board shall establish and implement a
21 policy governing the transfer of students within a school
22 district from a persistently dangerous school to another public
23 school in that district that is not deemed to be persistently
24 dangerous. In order to be considered a persistently dangerous
25 school, the school must meet all of the following criteria for
26 2 consecutive years:

1 (1) Have greater than 3% of the students enrolled in
2 the school expelled for violence-related conduct.

3 (2) Have one or more students expelled for bringing a
4 firearm to school as defined in 18 U.S.C. 921.

5 (3) Have at least 3% of the students enrolled in the
6 school exercise the individual option to transfer schools
7 pursuant to subsection (c) of this Section.

8 (c) A student may transfer from one public school to
9 another public school in that district if the student is a
10 victim of a violent crime as defined in Section 3 of the Rights
11 of Crime Victims and Witnesses Act. The violent crime must have
12 occurred on school grounds during regular school hours or
13 during a school-sponsored event.

14 (d) (Blank). ~~Transfers made pursuant to subsections (b) and~~
15 ~~(c) of this Section shall be made in compliance with the~~
16 ~~federal No Child Left Behind Act of 2001 (Public Law 107 110).~~

17 (Source: P.A. 96-328, eff. 8-11-09.)

18 (105 ILCS 5/10-29)

19 Sec. 10-29. Remote educational programs.

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

24 (1) A student may participate in the program only after
25 the school district, pursuant to adopted school board

1 policy, and a person authorized to enroll the student under
2 Section 10-20.12b of this Code determine that a remote
3 educational program will best serve the student's
4 individual learning needs. The adopted school board policy
5 shall include, but not be limited to, all of the following:

6 (A) Criteria for determining that a remote
7 educational program will best serve a student's
8 individual learning needs. The criteria must include
9 consideration of, at a minimum, a student's prior
10 attendance, disciplinary record, and academic history.

11 (B) Any limitations on the number of students or
12 grade levels that may participate in a remote
13 educational program.

14 (C) A description of the process that the school
15 district will use to approve participation in the
16 remote educational program. The process must include
17 without limitation a requirement that, for any student
18 who qualifies to receive services pursuant to the
19 federal Individuals with Disabilities Education
20 Improvement Act of 2004, the student's participation
21 in a remote educational program receive prior approval
22 from the student's individualized education program
23 team.

24 (D) A description of the process the school
25 district will use to develop and approve a written
26 remote educational plan that meets the requirements of

1 subdivision (5) of this subsection (a).

2 (E) A description of the system the school district
3 will establish to calculate the number of clock hours a
4 student is participating in instruction in accordance
5 with the remote educational program.

6 (F) A description of the process for renewing a
7 remote educational program at the expiration of its
8 term.

9 (G) Such other terms and provisions as the school
10 district deems necessary to provide for the
11 establishment and delivery of a remote educational
12 program.

13 (2) The school district has determined that the remote
14 educational program's curriculum is aligned to State
15 learning standards and that the program offers instruction
16 and educational experiences consistent with those given to
17 students at the same grade level in the district.

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

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

22 (B) (blank); and ~~they meet applicable highly~~
23 ~~qualified criteria under the federal No Child Left~~
24 ~~Behind Act of 2001; and~~

25 (C) they have responsibility for all of the
26 following elements of the program: planning

1 instruction, diagnosing learning needs, prescribing
2 content delivery through class activities, assessing
3 learning, reporting outcomes to administrators and
4 parents and guardians, and evaluating the effects of
5 instruction.

6 (4) During the period of time from and including the
7 opening date to the closing date of the regular school term
8 of the school district established pursuant to Section
9 10-19 of this Code, participation in a remote educational
10 program may be claimed for general State aid purposes under
11 Section 18-8.05 of this Code or evidence-based funding
12 purposes under Section 18-8.15 of this Code on any calendar
13 day, notwithstanding whether the day is a day of pupil
14 attendance or institute day on the school district's
15 calendar or any other provision of law restricting
16 instruction on that day. If the district holds year-round
17 classes in some buildings, the district shall classify each
18 student's participation in a remote educational program as
19 either on a year-round or a non-year-round schedule for
20 purposes of claiming general State aid or evidence-based
21 funding. Outside of the regular school term of the
22 district, the remote educational program may be offered as
23 part of any summer school program authorized by this Code.

24 (5) Each student participating in a remote educational
25 program must have a written remote educational plan that
26 has been approved by the school district and a person

1 authorized to enroll the student under Section 10-20.12b of
2 this Code. The school district and a person authorized to
3 enroll the student under Section 10-20.12b of this Code
4 must approve any amendment to a remote educational plan.
5 The remote educational plan must include, but is not
6 limited to, all of the following:

7 (A) Specific achievement goals for the student
8 aligned to State learning standards.

9 (B) A description of all assessments that will be
10 used to measure student progress, which description
11 shall indicate the assessments that will be
12 administered at an attendance center within the school
13 district.

14 (C) A description of the progress reports that will
15 be provided to the school district and the person or
16 persons authorized to enroll the student under Section
17 10-20.12b of this Code.

18 (D) Expectations, processes, and schedules for
19 interaction between a teacher and student.

20 (E) A description of the specific responsibilities
21 of the student's family and the school district with
22 respect to equipment, materials, phone and Internet
23 service, and any other requirements applicable to the
24 home or other location outside of a school building
25 necessary for the delivery of the remote educational
26 program.

1 (F) If applicable, a description of how the remote
2 educational program will be delivered in a manner
3 consistent with the student's individualized education
4 program required by Section 614(d) of the federal
5 Individuals with Disabilities Education Improvement
6 Act of 2004 or plan to ensure compliance with Section
7 504 of the federal Rehabilitation Act of 1973.

8 (G) A description of the procedures and
9 opportunities for participation in academic and
10 extra-curricular activities and programs within the
11 school district.

12 (H) The identification of a parent, guardian, or
13 other responsible adult who will provide direct
14 supervision of the program. The plan must include an
15 acknowledgment by the parent, guardian, or other
16 responsible adult that he or she may engage only in
17 non-teaching duties not requiring instructional
18 judgment or the evaluation of a student. The plan shall
19 designate the parent, guardian, or other responsible
20 adult as non-teaching personnel or volunteer personnel
21 under subsection (a) of Section 10-22.34 of this Code.

22 (I) The identification of a school district
23 administrator who will oversee the remote educational
24 program on behalf of the school district and who may be
25 contacted by the student's parents with respect to any
26 issues or concerns with the program.

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

6 (K) A description of the specific location or
7 locations in which the program will be delivered. If
8 the remote educational program is to be delivered to a
9 student in any location other than the student's home,
10 the plan must include a written determination by the
11 school district that the location will provide a
12 learning environment appropriate for the delivery of
13 the program. The location or locations in which the
14 program will be delivered shall be deemed a long
15 distance teaching reception area under subsection (a)
16 of Section 10-22.34 of this Code.

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

19 (6) Students participating in a remote educational
20 program must be enrolled in a school district attendance
21 center pursuant to the school district's enrollment policy
22 or policies. A student participating in a remote
23 educational program must be tested as part of all
24 assessments administered by the school district pursuant
25 to Section 2-3.64a-5 of this Code at the attendance center
26 in which the student is enrolled and in accordance with the

1 attendance center's assessment policies and schedule. The
2 student must be included within all accountability
3 determinations for the school district and attendance
4 center under State and federal law.

5 (7) The term of a student's participation in a remote
6 educational program may not extend for longer than 12
7 months, unless the term is renewed by the school district.
8 The district may only renew a student's participation in a
9 remote educational program following an evaluation of the
10 student's progress in the program, a determination that the
11 student's continuation in the program will best serve the
12 student's individual learning needs, and an amendment to
13 the student's written remote educational plan addressing
14 any changes for the upcoming term of the program.

15 For purposes of this Section, a remote educational program
16 does not include instruction delivered to students through an
17 e-learning program approved under Section 10-20.56 of this
18 Code.

19 (b) A school district may, by resolution of its school
20 board, establish a remote educational program.

21 (c) Clock hours of instruction by students in a remote
22 educational program meeting the requirements of this Section
23 may be claimed by the school district and shall be counted as
24 school work for general State aid purposes in accordance with
25 and subject to the limitations of Section 18-8.05 of this Code
26 or evidence-based funding purposes in accordance with and

1 subject to the limitations of Section 18-8.15 of this Code.

2 (d) The impact of remote educational programs on wages,
3 hours, and terms and conditions of employment of educational
4 employees within the school district shall be subject to local
5 collective bargaining agreements.

6 (e) The use of a home or other location outside of a school
7 building for a remote educational program shall not cause the
8 home or other location to be deemed a public school facility.

9 (f) A remote educational program may be used, but is not
10 required, for instruction delivered to a student in the home or
11 other location outside of a school building that is not claimed
12 for general State aid purposes under Section 18-8.05 of this
13 Code or evidence-based funding purposes under Section 18-8.15
14 of this Code.

15 (g) School districts that, pursuant to this Section, adopt
16 a policy for a remote educational program must submit to the
17 State Board of Education a copy of the policy and any
18 amendments thereto, as well as data on student participation in
19 a format specified by the State Board of Education. The State
20 Board of Education may perform or contract with an outside
21 entity to perform an evaluation of remote educational programs
22 in this State.

23 (h) The State Board of Education may adopt any rules
24 necessary to ensure compliance by remote educational programs
25 with the requirements of this Section and other applicable
26 legal requirements.

1 (Source: P.A. 99-193, eff. 7-30-15; 99-194, eff. 7-30-15;
2 99-642, eff. 7-28-16; 100-465, eff. 8-31-17.)

3 (105 ILCS 5/34-1.1) (from Ch. 122, par. 34-1.1)

4 Sec. 34-1.1. Definitions. As used in this Article:

5 "Academic Accountability Council" means the Chicago
6 Schools Academic Accountability Council created under Section
7 34-3.4.

8 "Local School Council" means a local school council
9 established under Section 34-2.1.

10 "School" and "attendance center" are used interchangeably
11 to mean any attendance center operated pursuant to this Article
12 and under the direction of one principal.

13 "Secondary Attendance Center" means a school which has
14 students enrolled in grades 9 through 12 (although it may also
15 have students enrolled in grades below grade 9).

16 "Local Attendance Area School" means a school which has a
17 local attendance area established by the board.

18 "Multi-area school" means a school other than a local
19 attendance area school.

20 "Contract school" means an attendance center managed and
21 operated by a for-profit or not-for-profit private entity
22 retained by the board to provide instructional and other
23 services to a majority of the pupils enrolled in the attendance
24 center.

25 "Contract turnaround school" means an experimental

1 contract school created by the board to implement alternative
2 governance in an attendance center subject to restructuring or
3 similar intervention ~~under federal law that has not made~~
4 ~~adequate yearly progress for 5 consecutive years or a time~~
5 ~~period set forth in federal law.~~

6 "Parent" means a parent or legal guardian of an enrolled
7 student of an attendance center.

8 "Community resident" means a person, 18 years of age or
9 older, residing within an attendance area served by a school,
10 excluding any person who is a parent of a student enrolled in
11 that school; provided that with respect to any multi-area
12 school, community resident means any person, 18 years of age or
13 older, residing within the voting district established for that
14 school pursuant to Section 34-2.1c, excluding any person who is
15 a parent of a student enrolled in that school.

16 "School staff" means all certificated and uncertificated
17 school personnel, including all teaching and administrative
18 staff (other than the principal) and including all custodial,
19 food service and other civil service employees, who are
20 employed at and assigned to perform the majority of their
21 employment duties at one attendance center served by the same
22 local school council.

23 "Regular meetings" means the meeting dates established by
24 the local school council at its annual organizational meeting.

25 (Source: P.A. 96-105, eff. 7-30-09.)

1 (105 ILCS 5/34-3.5)

2 Sec. 34-3.5. Partnership agreement on advancing student
3 achievement; Every Student Succeeds Act ~~No Child Left Behind~~
4 ~~Act of 2001~~.

5 (a) The General Assembly finds that the Chicago Teachers
6 Union, the Chicago Board of Education, and the district's chief
7 executive officer have a common responsibility beyond their
8 statutory collective bargaining relationship to institute
9 purposeful education reforms in the Chicago Public Schools that
10 maximize the number of students in the Chicago Public Schools
11 who reach or exceed proficiency with regard to State academic
12 standards and assessments. The General Assembly further finds
13 that education reform in the Chicago Public Schools must be
14 premised on a commitment by all stakeholders to redefine
15 relationships, develop, implement, and evaluate programs, seek
16 new and additional resources, improve the value of educational
17 programs to students, accelerate the quality of teacher
18 training, improve instructional excellence, and develop and
19 implement strategies to comply with the federal Every Student
20 Succeeds Act ~~No Child Left Behind Act of 2001 (Public Law~~
21 ~~107-110)~~.

22 The Chicago Board of Education and the district's chief
23 executive officer shall enter into a partnership agreement with
24 the Chicago Teachers Union to allow the parties to work
25 together to advance the Chicago Public Schools to the next
26 level of education reform. This agreement must be entered into

1 and take effect within 90 days after the effective date of this
2 amendatory Act of the 93rd General Assembly. As part of this
3 agreement, the Chicago Teachers Union, the Chicago Board of
4 Education, and the district's chief executive officer shall
5 jointly file a report with the General Assembly at the end of
6 each school year with respect to the nature of the reforms that
7 the parties have instituted, the effect of these reforms on
8 student achievement, and any other matters that the parties
9 deem relevant to evaluating the effectiveness of the agreement.

10 (b) Decisions concerning matters of inherent managerial
11 policy necessary to comply with the federal Every Student
12 Succeeds Act ~~No Child Left Behind Act of 2001 (Public Law~~
13 ~~107-110)~~, including such areas of discretion or policy as the
14 functions of the employer, the standards and delivery of
15 educational services and programs, the district's overall
16 budget, the district's organizational structure, student
17 assignment, school choice, and the selection of new employees
18 and direction of employees, and the impact of these decisions
19 on individual employees or the bargaining unit shall be
20 permissive subjects of bargaining between the educational
21 employer and the exclusive bargaining representative and are
22 within the sole discretion of the educational employer to
23 decide to bargain. This subsection (b) is exclusive of the
24 parties' obligations and responsibilities under Section 4.5 of
25 the Illinois Educational Labor Relations Act (provided that any
26 dispute or impasse that may arise under this subsection (b)

1 shall be resolved exclusively as set forth in subsection (b) of
2 Section 12 of the Illinois Educational Labor Relations Act in
3 lieu of a strike under Section 13 of the Illinois Educational
4 Labor Relations Act).

5 (Source: P.A. 93-3, eff. 4-16-03.)

6 (105 ILCS 5/34-18.24)

7 Sec. 34-18.24. Transfer of students.

8 (a) The board shall establish and implement a policy
9 governing the transfer of a student from one attendance center
10 to another within the school district upon the request of the
11 student's parent or guardian. ~~Any request by a parent or~~
12 ~~guardian to transfer his or her child from one attendance~~
13 ~~center to another within the school district pursuant to~~
14 ~~Section 1116 of the federal Elementary and Secondary Education~~
15 ~~Act of 1965 (20 U.S.C. Sec. 6317) must be made no later than 30~~
16 ~~days after the parent or guardian receives notice of the right~~
17 ~~to transfer pursuant to that law.~~ A student may not transfer to
18 any of the following attendance centers, except by change in
19 residence if the policy authorizes enrollment based on
20 residence in an attendance area or unless approved by the board
21 on an individual basis:

22 (1) An attendance center that exceeds or as a result of
23 the transfer would exceed its attendance capacity.

24 (2) An attendance center for which the board has
25 established academic criteria for enrollment if the

1 student does not meet the criteria, ~~provided that the~~
2 ~~transfer must be permitted if the attendance center is the~~
3 ~~only attendance center serving the student's grade that has~~
4 ~~not been identified for school improvement, corrective~~
5 ~~action, or restructuring under Section 1116 of the federal~~
6 ~~Elementary and Secondary Education Act of 1965 (20 U.S.C.~~
7 ~~Sec. 6317).~~

8 (3) Any attendance center if the transfer would prevent
9 the school district from meeting its obligations under a
10 State or federal law, court order, or consent decree
11 applicable to the school district.

12 (b) The board shall establish and implement a policy governing
13 the transfer of students within the school district from a
14 persistently dangerous attendance center to another attendance
15 center in that district that is not deemed to be persistently
16 dangerous. In order to be considered a persistently dangerous
17 attendance center, the attendance center must meet all of the
18 following criteria for 2 consecutive years:

19 (1) Have greater than 3% of the students enrolled in
20 the attendance center expelled for violence-related
21 conduct.

22 (2) Have one or more students expelled for bringing a
23 firearm to school as defined in 18 U.S.C. 921.

24 (3) Have at least 3% of the students enrolled in the
25 attendance center exercise the individual option to
26 transfer attendance centers pursuant to subsection (c) of

1 this Section.

2 (c) A student may transfer from one attendance center to
3 another attendance center within the district if the student is
4 a victim of a violent crime as defined in Section 3 of the
5 Rights of Crime Victims and Witnesses Act. The violent crime
6 must have occurred on school grounds during regular school
7 hours or during a school-sponsored event.

8 (d) (Blank). ~~Transfers made pursuant to subsections (b) and~~
9 ~~(c) of this Section shall be made in compliance with the~~
10 ~~federal No Child Left Behind Act of 2001 (Public Law 107 110).~~
11 (Source: P.A. 92-604, eff. 7-1-02; 93-633, eff. 12-23-03.)

12 (105 ILCS 5/34-18.31)

13 Sec. 34-18.31. Highly qualified teachers; Every Student
14 Succeeds ~~No Child Left Behind~~ Act funds. If the school district
15 has an overall shortage of highly qualified teachers, as
16 defined by the federal Every Student Succeeds Act ~~No Child Left~~
17 ~~Behind Act of 2001 (Public Law 107 110)~~, or a shortage of
18 highly qualified teachers in the subject area of mathematics,
19 science, reading, or special education, then the school board
20 must spend at least 40% of the money it receives from Title 2
21 grants under the Act on recruitment and retention initiatives
22 to assist in recruiting and retaining highly qualified teachers
23 (in a specific subject area is applicable) as specified in
24 paragraphs (1) (B), (2) (A), (2) (B), (4) (A), (4) (B), and (4) (C)
25 of subsection (a) of Section 2123 of the Act until there is no

1 longer a shortage of highly qualified teachers (in a specific
2 subject area if applicable). As the number of highly qualified
3 teachers in the district increases, however, the school board
4 may spend any surplus of the minimum 40% of funds dedicated to
5 addressing the highly qualified teacher shortage in any manner
6 the school board deems appropriate.

7 (Source: P.A. 95-331, eff. 8-21-07.)

8 (105 ILCS 5/2-3.25d rep.)

9 (105 ILCS 5/2-3.136 rep.)

10 (105 ILCS 5/21B-200 rep.)

11 Section 10. The School Code is amended by repealing
12 Sections 2-3.25d, 2-3.136, and 21B-200.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.

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105 ILCS 5/2-3.136 rep.

18

105 ILCS 5/21B-200 rep.