1 AN ACT concerning education.

## Be it enacted by the People of the State of Illinois, represented in the General Assembly:

- Section 1. Legislative intent. It is the intent of the General Assembly that State assessments be rooted in classroom content and best practices and be used as an opportunity to demonstrate learning and feedback. It is also the intent of the General Assembly that assessments used for accountability should support learning opportunities that inform instruction.
- Section 5. The School Code is amended by changing Sections 2-3.25a, 2-3.25n, 2-3.52A, 2-3.61a, 2-3.64a-5, 2-3.136, 2-3.153, 10-21.3a, 10-29, 34-1.1, 34-3.5, and 34-18.24 as follows:
- 14 (105 ILCS 5/2-3.25a) (from Ch. 122, par. 2-3.25a)
- 15 Sec. 2-3.25a. "School district" defined; additional standards.
- 17 (a) For the purposes of State accountability in this
  18 Section and Sections 3.25b, 3.25c, 3.25d, 3.25e, and 3.25f of
  19 this Code, "school district" includes other public entities
  20 responsible for administering public schools, such as
  21 cooperatives, joint agreements, charter schools, special
  22 charter districts, regional offices of education, local

agencies, and the Department of Human Services.

(b) In addition to the standards established pursuant to Section 2-3.25, the State Board of Education shall develop recognition standards for student performance and school improvement for all school districts and their individual schools, which must be an outcomes based, balanced accountability measure. The State Board of Education is prohibited from having separate performance standards for students based on race or ethnicity.

The accountability measure shall be outlined in the State Plan that the State Board of Education submits to the federal Department of Education pursuant to the federal Every Student Succeeds Act. If the federal Every Student Succeeds Act ceases to require a State Plan, the State Board of Education shall develop a written plan in consultation with the Balanced Accountability Committee created under subsection (b-5) of this Section.

Subject to the availability of federal, State, public, or private funds, the balanced accountability measure must be designed to focus on 2 components, student performance and professional practice. The student performance component shall count for 30% of the total balanced accountability measure, and the professional practice component shall count for 70% of the total balanced accountability measure. The student performance component shall focus on student outcomes and closing the achievement gaps within each school district and its individual

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schools using a Multiple Measure Index and Annual Measurable Objectives, as set forth in Section 2-3.25d of this Code. The professional practice component shall focus on the degree to which a school district, as well as its individual schools, is implementing evidence based, best professional practices and exhibiting continued improvement. Beginning with the 2015 2016 school year, the balanced accountability measure shall consist of only the student performance component, which shall account for 100% of the total balanced accountability measure. From the 2017 2018 school year through the 2022 2023 school year, the State Board of Education and a Balanced Accountability Measure Committee shall identify a number of school districts per the designated school years to begin implementing the balanced accountability measure, which includes both the student performance and professional practice components. By the 2022 2023 school year, all school districts must be implementing the balanced accountability measure, which includes both components.

(b-5) The Balanced Accountability Measure Committee is created and shall consist of the following individuals: a representative of a statewide association representing regional superintendents of schools, a representative of a statewide association representing principals, representative of an association representing principals in a city having a population exceeding 500,000, a representative of a statewide association representing school administrators, a

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statewide professional teachers' representative of a organization, a representative of a different statewide professional teachers' organization, additional an representative from either statewide professional teachers' organization, a representative of a professional teachers' organization in a city having a population exceeding 500,000, a representative of a statewide association representing school boards, and a representative of a school district organized under Article 34 of this Code. The head of each association or entity listed in this paragraph shall appoint its respective representative. The State Superintendent of Education, in consultation with the Committee, may appoint no more than 2 additional individuals to the Committee, which individuals shall serve in an advisory role and must not have voting or other decision-making rights. The Committee is abolished on June 1, 2023.

The Balanced Accountability Measure Committee shall meet no less than 4 times per year to discuss the accountability standards set forth in the State Plan pursuant to the federal Every Student Succeeds Act and to provide stakeholder feedback and recommendations to the State Board of Education with regard to the State Plan, which the State Board shall take into consideration. Upon completion of the 2019-2020 school year, the Balanced Accountability Measure Committee shall assess the implementation of the State Plan and, if necessary, make recommendations to the State Board for any changes. The

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Committee shall consider accountability recommendations made by the Illinois P-20 Council established under Section 22-45 of this Code, the Illinois Early Learning Council created under the Illinois Early Learning Council Act, and any other stakeholder group established by the State Board in relation to the federal Every Student Succeeds Act. The State Board shall provide to the Committee an annual report with data and other information about the Committee collected from entities identified by the State Board as lead partners, including, but not limited to, data and information on the Committee's effectiveness, geographic distribution, and cost to serve as part of a comprehensive statewide system of support.

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

- (1) achievement status;
- (2) achievement growth; and 18
- 19 (3) Annual Measurable Objectives, as set forth in subsection (b) of Section 2-3.25d of this Code. 20

21 Achievement status shall measure and assess college and career 22 readiness, as well as the graduation rate. Achievement growth shall measure the school district's and its individual schools' 23 student growth via this State's growth value tables. Annual 24 Measurable Objectives shall measure the degree to which school 25 26 districts, as well as their individual schools, are

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their achievement gaps among their student population and
subgroups.

The professional practice component shall consist of the following subcategories:

(A) compliance;

(B) evidence based best practices; and

(C) contextual improvement.

Compliance, which shall count for 10%, shall measure the degree to which a school district and its individual schools meet the current State compliance requirements. Evidence based best practices, which shall count for 30%, shall measure the degree to which school districts and their individual schools are adhering to a set of evidence-based quality standards and best practice for effective schools that include (i) continuous improvement, (ii) culture and climate, (iii) shared leadership, (iv) governance, (v) education and employee quality, (vi) family and community connections, and (vii) student and learning development and are further developed in consultation with the State Board of Education and the Balanced Accountability Measure Committee set forth in this subsection (b). Contextual improvement, which shall count for 30%, shall provide school districts and their individual schools the opportunity to demonstrate improved outcomes through local data, including without limitation school climate, unique characteristics, and barriers that impact the educational environment and hinder the development and implementation of

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action plans to address areas of school district and individual school improvement. Each school district, in good faith cooperation with its teachers or, where applicable, the exclusive bargaining representatives of its teachers, shall develop 2 measurable objectives to demonstrate contextual improvement, each of which must be equally weighted. Each school district shall begin such good faith cooperative development of these objectives no later than 6 months prior to the beginning of the school year in which the school district is to implement the professional practice component of the balanced accountability measure. The professional practice component must be scored using trained peer review teams that observe and verify school district practices using evidence-based framework.

The balanced accountability measure shall combine the student performance and professional practice components into one summative score based on 100 points at the school district and individual school level. A school district shall be designated as "Exceeds Standards Exemplar" if the overall score is 100 to 90, "Meets Standards - Proficient" if the overall score is 89 to 75, "Approaching Standards - Needs Improvement" if the overall score is 74 to 60, and "Below Standards - Unsatisfactory" if the overall score is 59 to 0. The balanced accountability measure shall also detail both incentives that reward school districts for continued improved performance, as provided in Section 2 3.25c of this Code, and

- 1 consequences for school districts that fail to provide evidence 2 of continued improved performance, which may include presentation of a barrier analysis, additional school board and 3 administrator training, or additional State assistance. Based 4 5 on its summative score, a school district may be exempt from 6 the balanced accountability measure for one or more school 7 years. The State Board of Education, in collaboration with the 8 Balanced Accountability Measure Committee set forth in this 9 subsection (b-5)  $\frac{(b)}{(b)}$ , shall adopt rules that further 10 implementation in accordance with the requirements of this Section.

(Source: P.A. 99-84, eff. 1-1-16; 99-193, eff. 7-30-15; 99-642,

- eff. 7-28-16; 99-657, eff. 7-28-16.) 13
- 14 (105 ILCS 5/2-3.25n)

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- 15 Sec. 2-3.25n. Every Student Succeeds No Child Left Behind 16 Act; requirements and construction.
- 17 (a) The changes in the State accountability system made by this amendatory Act of the 93rd General Assembly are a direct 18 result of the federal Every Student Succeeds Act No Child Left 19 Behind Act of 2001 (Public Law 107-110), which requires that 20 21 state develop and implement a single, statewide 22 accountability system applicable to all schools and school districts. 23
  - (b) As provided in the federal **Every Student Succeeds Act** No Child Left Behind Act of 2001 (Public Law 107 110), nothing

- in this amendatory Act of the 93rd General Assembly shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school district or school employees under federal, State, or local law (including applicable rules, regulations, or court orders) or under the terms of collective
- 6 bargaining agreements, memoranda of understanding, or other
- 7 agreements between such employees and their employers.
- 8 (c) The State Board of Education may identify a school
  9 district as eligible for targeted and comprehensive services
  10 under the federal Every Student Succeeds Act.
- 11 (Source: P.A. 93-470, eff. 8-8-03.)
- 12 (105 ILCS 5/2-3.52A) (from Ch. 122, par. 2-3.52A)

1.3 Sec. 2-3.52A. Pilot programs. To improve the quality of 14 teaching as a profession the State Board of Education may, 15 pursuant to the federal Every Student Succeeds Act and 16 appropriations for such purposes, establish entrance educator preparation programs, encourage collaboration between schools 17 18 of educator preparation and high-need districts, establish projects to recruit, select, prepare, and provide professional 19 20 development for teachers or school leaders, and establish 21 initiatives that focus on funding performance-based programs 22 or human capital management systems pilot programs for teachers relating to clinical schools, restructuring the teaching 23 24 workplace, and providing special assistance and support to 25 beginning teachers. Such programs shall be conducted in

- 1 accordance with rules adopted by the State Board of Education.
- 2 Such rules shall provide for, but not be limited to, advisory
- 3 councils and annual reports on the progress of the pilot
- 4 programs.
- 5 (Source: P.A. 85-322.)
- 6 (105 ILCS 5/2-3.61a)
- 7 Sec. 2-3.61a. 21st Century Community Learning Center Grant
- 8 Program.
- 9 (a) The State Board of Education shall be the designated
- 10 agency responsible for the administration of programs under
- 11 Part I of Subchapter X of Chapter 70 of the federal Elementary
- and Secondary Education Act of 1965.
- 13 (b) The State Board of Education shall establish and
- 14 implement a 21st Century Community Learning Center Grant
- 15 Program, in accordance with federal guidelines, to provide
- 16 grants to support whole child-focused academically focused
- 17 after-school programs that are aligned with the regular
- 18 <u>academic programs of a school and the academic needs of</u>
- 19 students. These grants shall be used to help those students who
- 20 attend high-poverty, low-performing schools meet State and
- 21 local performance standards in core academic subjects and, if
- 22 applicable, increase school day attendance and improve
- 23 social-emotional skills for students who attend high-poverty,
- 24 low-performing schools. These grants shall be used to help
- 25 those students who attend high poverty, low performing schools

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meet State and local performance standards in core academic subjects and to offer opportunities for families participating students to have meaningful engagement in their children's education that are linked to learning and healthy development outcomes opportunities for improved literacy and related educational development. If appropriate, external stakeholder feedback shall be gathered and used to inform the grant application.

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

- (c) Using State funds, subject to appropriation, and any federal funds received for this purpose, the State Board of Education may establish any other grant programs that are necessary to establish high-quality, academically based, after-school programs that include family-centered education activities.
- 22 (d) The State Board of Education may adopt any rules 23 necessary to implement this Section.
- (Source: P.A. 93-374, eff. 7-24-03.) 24

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- 1 Sec. 2-3.64a-5. State goals and assessment.
- 2 (a) For the assessment and accountability purposes of this Section, "students" includes those students enrolled in a 3 public or State-operated elementary school, secondary school, 4 5 or cooperative or joint agreement with a governing body or board of control, a charter school operating in compliance with 6 7 the Charter Schools Law, a school operated by a regional office of education under Section 13A-3 of this Code, or a public 8 9 school administered by a local public agency or the Department 10 of Human Services.
  - (b) The State Board of Education shall establish the academic standards that are to be applicable to students who are subject to State assessments under this Section. The State Board of Education shall not establish any such standards in final form without first providing opportunities for public participation and local input in the development of the final academic standards. Those opportunities shall include a well-publicized period of public comment and opportunities to file written comments.
  - (c) Beginning no later than the 2014-2015 school year, the State Board of Education shall annually assess all students enrolled in grades 3 through 8 in English language arts and mathematics.
- Beginning no later than the 2017-2018 school year, the State Board of Education shall annually assess all students in science at one grade in grades 3 through 5, at one grade in

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grades 6 through 8, and at one grade in grades 9 through 12.

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

Students who <u>do</u> are not <u>take the State's final</u> accountability assessment or its approved alternate assessment assessed for college and career ready determinations may not receive a regular high school diploma unless the student is exempted from taking <u>the</u> State assessments under subsection (d) of this Section because (i) the student's individualized educational program developed under Article 14 of this Code identifies the State assessment as inappropriate for the student, (ii) the student is enrolled in a program of adult and continuing education, as defined in the Adult Education Act,

(iii) the school district is not required to assess the individual student for purposes of accountability under federal No Child Left Behind Act of 2001 requirements, (iv) the student has been determined to be an English learner and has been enrolled in schools in the United States for less than 12 months, or (v) the student is otherwise identified by the State Board of Education, through rules, as being exempt from the assessment.

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

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

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

Students receiving special education services whose individualized educational programs identify them as eligible

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for the alternative State assessments nevertheless shall have the option of <u>also</u> taking this State's regular <u>final</u> <u>accountability</u> assessment that includes a college and career ready determination, which shall be administered in accordance with the eligible accommodations appropriate for meeting these students' respective needs.

All students determined to be English learners shall participate in the State assessments. The scores of, excepting those students who have been enrolled in schools in the United States for less than 12 months may not be used for the purposes of accountability. Such students may be exempted from participation in one annual administration of the English language arts assessment. Any student determined to be an Enalish learner shall receive appropriate assessment accommodations, including language supports, which shall be established by rule. Approved assessment accommodations must be provided until the student's English language skills develop to the extent that the student is no longer considered to be an English learner, as demonstrated through a State-identified English language proficiency assessment.

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

In each school year, the scores attained by a student on the <u>final accountability</u> State assessment that includes a college and career ready determination must be placed in the

- student's permanent record pursuant to rules that the State Board of Education shall adopt for that purpose in accordance with Section 3 of the Illinois School Student Records Act. In each school year, the scores attained by a student on the State assessments administered in grades 3 through 8 must be placed in the student's temporary record.
  - (f) All schools shall administer the State's an academic assessment of English language proficiency in oral language (listening and speaking) and reading and writing skills to all children determined to be English learners.
  - (g) All schools in this State that are part of the sample drawn by the National Center for Education Statistics, in collaboration with their school districts and the State Board of Education, shall administer the biennial academic assessments under the National Assessment of Educational Progress carried out under Section 411(b)(2) of the federal National Education Statistics Act of 1994 (20 U.S.C. 9010) if the U.S. Secretary of Education pays the costs of administering the assessments.
  - (h) (Blank). Subject to available funds to this State for the purpose of student assessment, the State Board of Education shall provide additional assessments and assessment resources that may be used by school districts for local assessment purposes. The State Board of Education shall annually distribute a listing of these additional resources.
    - (i) For the purposes of this subsection (i), "academically

based assessments" means assessments consisting of questions and answers that are measurable and quantifiable to measure the knowledge, skills, and ability of students in the subject matters covered by the assessments. All assessments administered pursuant to this Section must be academically based assessments. The scoring of academically based assessments shall be reliable, valid, and fair and shall meet the guidelines for assessment development and use prescribed by the American Psychological Association, the National Council on Measurement in Education, and the American Educational Research Association.

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

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

- 1 (i) of this Section have been met), the time and money expended
- 2 at the local and State levels to prepare for and administer the
- 3 assessments, the collective results of the assessments as
- 4 measured against the stated purpose of assessing student
- 5 performance, and other issues involving the assessments
- 6 identified by the Committee. The Committee shall make periodic
- 7 recommendations to the State Superintendent of Education and
- 8 the General Assembly concerning the assessments.
- 9 (k) The State Board of Education may adopt rules to
- 10 implement this Section.
- 11 (Source: P.A. 99-30, eff. 7-10-15; 99-185, eff. 1-1-16; 99-642,
- 12 eff. 7-28-16; 100-7, eff. 7-1-17; 100-222, eff. 8-18-17;
- 13 revised 9-22-17.)
- 14 (105 ILCS 5/2-3.136)
- 15 Sec. 2-3.136. Funding for class <del>Class</del> size reduction <del>grant</del>
- 16 programs.
- 17 (a) Class size reduction funding shall assist A K 3 class
- 18 size reduction grant program is created. The program shall be
- 19 implemented and administered by the State Board of Education.
- 20 From appropriations made for purposes of this Section, the
- 21 State Board shall award grants to schools that meet the
- 22 criteria established by this Section subsection (a) for the
- 23 award of funds those grants.
- 24 <u>(a-5)</u> <u>Funds</u> <u>Grants</u> shall be awarded pursuant to
- 25 application. The form and manner of applications and the

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criteria for the award of funds grants shall be prescribed by the State Board of Education. The grant criteria as so prescribed, however, shall provide that only those schools that are identified as priority schools under Section 2-3.25d-5 of this Code and that maintain grades kindergarten through 3 are grant eligible.

Funding Grants awarded to eligible schools under this Section subsection (a) shall be used and applied by the schools to defray the costs and expenses of reducing class size to a level that is evidence-based. If a school's facilities are inadequate to allow for the specified class size, then funding may be used for, but is not limited to, support for professional learning. operating and maintaining classes in grades kindergarten through 3 with an average class size within a specific grade of no more than 20 pupils. If a school's facilities are inadequate to allow for this specified class size, then a school may use the grant funds for teacher aides instead.

(b) (Blank). A K 3 pilot class size reduction grant program is created. The program shall be implemented and administered by the State Board of Education. From appropriations made for purposes of this subsection (b), the State Board shall award grants to schools that meet the criteria established by this Section for the award of those grants.

Grants shall be awarded pursuant to application. The form and manner of application and the criteria for the award of

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grants shall be prescribed by the State Board of Education.

Grants awarded to eligible schools under this subsection (b) shall be used and applied by the schools to defray the costs and expenses of operating and maintaining classes in grades kindergarten through 3 of no more than 15 pupils per teacher per class. A teacher aide may not be used to meet this requirement.

- (c) (Blank). If a school board determines that a school is using funds awarded under this Section for purposes not authorized by this Section, then the school board, rather than the school, shall determine how the funds are used.
- 12 (d) The State Board of Education shall adopt any rules, consistent with the requirements of this Section, that are 13 necessary to implement and administer this Section the class 14 15 size reduction grant programs.
- 16 (Source: P.A. 99-193, eff. 7-30-15.)
- 17 (105 ILCS 5/2-3.153)
- Sec. 2-3.153. Survey of learning conditions. 18
- 19 (a) The State Board of Education shall administer a climate survey, identified by and paid for by the State Board of 20 21 Education, select for statewide administration an instrument 22 to provide feedback from, at a minimum, students in grades 4 6 through 12 and teachers on the instructional environment within 23 24 school. Each after giving consideration to the 25 recommendations of the Performance Evaluation Advisory Council

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made pursuant to subdivision (6) of subsection (a) of Section 24A-20 of this Code. Subject to appropriation to the State Board of Education for the State's cost of development and administration and, subject to subsections (b) and (c) of this Section, each school district shall annually administer, at least biennially, the climate survey instrument in every public school attendance center by a date specified by the State Superintendent of Education, and data resulting from the instrument's administration must be provided to the State Board of Education. The survey component that requires completion by the teachers must be administered during teacher meetings or professional development days or at other times that would not interfere with the teachers' regular classroom and direct instructional duties. The State Superintendent, following consultation with teachers, principals, and other appropriate stakeholders, shall publicly report on the survey selected indicators of learning conditions resulting administration of the instrument at the individual school, district, and State levels and shall identify whether the indicators result from an anonymous administration of the instrument. If in any year the appropriation to the State Board of Education is insufficient for the State's costs associated with statewide administration of the instrument, the State Board of Education shall give priority to districts with low-performing schools and a representative sample of other districts.

- (b) A school district may elect to use, on a district-wide basis and at the school district's sole cost and expense, an alternate <u>climate</u> survey of learning conditions instrument pre-approved by the State Superintendent under subsection (c) of this Section in lieu of the <u>State-adopted climate survey statewide survey instrument selected under subsection (a) of this Section</u>, provided that:
  - (1) the school district notifies the State Board of Education, on a form provided by the State Superintendent, of its intent to administer an alternate <u>climate survey instrument</u> on or before a date established by the State Superintendent for the 2014-2015 school year and August 1 of each <u>subsequent</u> school year during which the instrument will be administered:
  - (2) the notification submitted to the State Board under paragraph (1) of this subsection (b) must be accompanied by a certification signed by the president of the local teachers' exclusive bargaining representative and president of the school board indicating that the alternate survey has been agreed to by the teachers' exclusive bargaining representative and the school board;
  - (3) the school district's administration of the alternate instrument, including providing to the State Board of Education data and reports suitable to be published on school report cards and the State School Report Card Internet website, is performed in accordance

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with the requirements of subsection (a) of this Section; and

- (4)the alternate instrument is administered each school year that the statewide survey instrument is administered; if the statewide survey is not administrated in a given school year, the school district is not required to provide the alternative instrument in that given school <del>year</del>.
- State Superintendent, in consultation with The teachers, principals, superintendents, and other appropriate stakeholders, shall administer an approval process through which at least 2, but not more than 3, alternate survey of learning conditions instruments will be approved by the State Superintendent following a determination by the Superintendent that each approved instrument:
  - (1) meets all requirements of subsection (a) of this Section;
  - (2) provides a summation of indicator results of the alternative survey by a date established by the State Superintendent in a manner that allows the indicator results to be included on school report cards pursuant to Section 10-17a of this Code by October 31 of the school year following the instrument's administration;
  - (3) provides summary reports for each district and attendance center intended for parents and community stakeholders;

- 1 (4) meets scale reliability requirements using 2 accepted testing measures;
- 3 (5) provides research-based evidence linking 4 instrument content to one or more improved student 5 outcomes; and
- 6 (6) has undergone and documented testing to prove validity and reliability.
- The State Superintendent shall periodically review and update the list of approved alternate survey instruments, provided that at least 2, but no more than 3, alternate survey instruments shall be approved for use during any school year.
- (d) Nothing contained in this amendatory Act of the 98th General Assembly repeals, supersedes, invalidates, or nullifies final decisions in lawsuits pending on the effective date of this amendatory Act of the 98th General Assembly in Illinois courts involving the interpretation of Public Act 97-8.
- 18 (Source: P.A. 97-8, eff. 6-13-11; 97-813, eff. 7-13-12; 98-648, eff. 7-1-14.)
- 20 (105 ILCS 5/10-21.3a)
- Sec. 10-21.3a. Transfer of students.
- 22 (a) Each school board shall establish and implement a 23 policy governing the transfer of a student from one attendance 24 center to another within the school district upon the request 25 of the student's parent or quardian. Any request by a parent or

- guardian to transfer his or her child from one attendance center to another within the school district pursuant to Section 1116 of the federal Elementary and Secondary Education Act of 1965 (20 U.S.C. Sec. 6316) must be made no later than 30 days after the parent or guardian receives notice of the right to transfer pursuant to that law. A student may not transfer to any of the following attendance centers, except by change in residence if the policy authorizes enrollment based on residence in an attendance area or unless approved by the board on an individual basis:
  - (1) An attendance center that exceeds or as a result of the transfer would exceed its attendance capacity.
  - (2) An attendance center for which the board has established academic criteria for enrollment if the student does not meet the criteria, provided that the transfer must be permitted if the attendance center is the only attendance center serving the student's grade that has not been identified for school improvement, corrective action, or restructuring under Section 1116 of the federal Elementary and Secondary Education Act of 1965 (20 U.S.C. Sec. 6316).
  - (3) Any attendance center if the transfer would prevent the school district from meeting its obligations under a State or federal law, court order, or consent decree applicable to the school district.
  - (b) Each school board shall establish and implement a

- 1 policy governing the transfer of students within a school
- 2 district from a persistently dangerous school to another public
- 3 school in that district that is not deemed to be persistently
- 4 dangerous. In order to be considered a persistently dangerous
- 5 school, the school must meet all of the following criteria for
- 6 2 consecutive years:
- 7 (1) Have greater than 3% of the students enrolled in
- 8 the school expelled for violence-related conduct.
- 9 (2) Have one or more students expelled for bringing a
- firearm to school as defined in 18 U.S.C. 921.
- 11 (3) Have at least 3% of the students enrolled in the
- 12 school exercise the individual option to transfer schools
- pursuant to subsection (c) of this Section.
- 14 (c) A student may transfer from one public school to
- 15 another public school in that district if the student is a
- victim of a violent crime as defined in Section 3 of the Rights
- of Crime Victims and Witnesses Act. The violent crime must have
- 18 occurred on school grounds during regular school hours or
- during a school-sponsored event.
- 20 (d) (Blank). Transfers made pursuant to subsections (b) and
- 21 (c) of this Section shall be made in compliance with the
- 22 federal No Child Left Behind Act of 2001 (Public Law 107-110).
- 23 (Source: P.A. 96-328, eff. 8-11-09.)
- 24 (105 ILCS 5/10-29)
- 25 Sec. 10-29. Remote educational programs.

- 1 (a) For purposes of this Section, "remote educational 2 program" means an educational program delivered to students in 3 the home or other location outside of a school building that 4 meets all of the following criteria:
  - (1) A student may participate in the program only after the school district, pursuant to adopted school board policy, and a person authorized to enroll the student under Section 10-20.12b of this Code determine that a remote educational program will best serve the student's individual learning needs. The adopted school board policy shall include, but not be limited to, all of the following:
    - (A) Criteria for determining that a remote educational program will best serve a student's individual learning needs. The criteria must include consideration of, at a minimum, a student's prior attendance, disciplinary record, and academic history.
    - (B) Any limitations on the number of students or grade levels that may participate in a remote educational program.
    - (C) A description of the process that the school district will use to approve participation in the remote educational program. The process must include without limitation a requirement that, for any student who qualifies to receive services pursuant to the federal Individuals with Disabilities Education Improvement Act of 2004, the student's participation

in a remote educational program receive prior approval from the student's individualized education program team.

- (D) A description of the process the school district will use to develop and approve a written remote educational plan that meets the requirements of subdivision (5) of this subsection (a).
- (E) A description of the system the school district will establish to <u>determine student participation</u> calculate the number of clock hours a student is participating in instruction in accordance with the remote educational program.
- (F) A description of the process for renewing a remote educational program at the expiration of its term.
- (G) Such other terms and provisions as the school district deems necessary to provide for the establishment and delivery of a remote educational program.
- (2) The school district has determined that the remote educational program's curriculum is aligned to State learning standards and that the program offers instruction and educational experiences consistent with those given to students at the same grade level in the district.
- (3) The remote educational program is delivered by instructors that meet the following qualifications:

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

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

- (C) they have responsibility for all of the following elements of the program: planning instruction, diagnosing learning needs, prescribing content delivery through class activities, assessing learning, reporting outcomes to administrators and parents and guardians, and evaluating the effects of instruction.
- (4) During the period of time from and including the opening date to the closing date of the regular school term of the school district established pursuant to Section 10-19 of this Code, participation in a remote educational program may be claimed for general State aid purposes under Section 18 8.05 of this Code or evidence-based funding purposes under Section 18-8.15 of this Code on any calendar day, notwithstanding whether the day is a day of pupil attendance or institute day on the school district's calendar or any other provision of law restricting instruction on that day. If the district holds year-round classes in some buildings, the district shall classify each student's participation in a remote educational program as either on a year-round or a non-year-round schedule for

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purposes of claiming general State aid or evidence-based funding. Outside of the regular school term of the district, the remote educational program may be offered as part of any summer school program authorized by this Code.

- (5) Each student participating in a remote educational program must have a written remote educational plan that has been approved by the school district and a person authorized to enroll the student under Section 10-20.12b of this Code. The school district and a person authorized to enroll the student under Section 10-20.12b of this Code must approve any amendment to a remote educational plan. The remote educational plan must include, but is not limited to, all of the following:
  - (A) Specific achievement goals for the student aligned to State learning standards.
  - (B) A description of all assessments that will be used to measure student progress, which description the shall indicate assessments will t.hat. be administered at an attendance center within the school district.
  - (C) A description of the progress reports that will be provided to the school district and the person or persons authorized to enroll the student under Section 10-20.12b of this Code.
  - (D) Expectations, processes, and schedules for interaction between a teacher and student.

- (E) A description of the specific responsibilities of the student's family and the school district with respect to equipment, materials, phone and Internet service, and any other requirements applicable to the home or other location outside of a school building necessary for the delivery of the remote educational program.
- (F) If applicable, a description of how the remote educational program will be delivered in a manner consistent with the student's individualized education program required by Section 614(d) of the federal Individuals with Disabilities Education Improvement Act of 2004 or plan to ensure compliance with Section 504 of the federal Rehabilitation Act of 1973.
- (G) A description of the procedures and opportunities for participation in academic and extra-curricular activities and programs within the school district.
- (H) The identification of a parent, guardian, or other responsible adult who will provide direct supervision of the program. The plan must include an acknowledgment by the parent, guardian, or other responsible adult that he or she may engage only in non-teaching duties not requiring instructional judgment or the evaluation of a student. The plan shall designate the parent, guardian, or other responsible

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adult as non-teaching personnel or volunteer personnel under subsection (a) of Section 10-22.34 of this Code.

- The identification of a school district (I) administrator who will oversee the remote educational program on behalf of the school district and who may be contacted by the student's parents with respect to any issues or concerns with the program.
- (J) The term of the student's participation in the remote educational program, which may not extend for longer than 12 months, unless the term is renewed by the district in accordance with subdivision (7) of this subsection (a).
- (K) A description of the specific location or locations in which the program will be delivered. If the remote educational program is to be delivered to a student in any location other than the student's home, the plan must include a written determination by the school district that the location will provide a learning environment appropriate for the delivery of the program. The location or locations in which the program will be delivered shall be deemed a long distance teaching reception area under subsection (a) of Section 10-22.34 of this Code.
- (L) Certification by the school district that the plan meets all other requirements of this Section.
- (6) Students participating in a remote educational

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program must be enrolled in a school district attendance center pursuant to the school district's enrollment policy policies. A student participating in а educational program must be tested as part of assessments administered by the school district pursuant to Section 2-3.64a-5 of this Code at the attendance center in which the student is enrolled and in accordance with the attendance center's assessment policies and schedule. The student must be included within all accountability determinations for the school district and attendance center under State and federal law.

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

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

(b) A school district may, by resolution of its school

1 board, establish a remote educational program.

- (c) (Blank). Clock hours of instruction by students in a remote educational program meeting the requirements of this Section may be claimed by the school district and shall be counted as school work for general State aid purposes in accordance with and subject to the limitations of Section 18 8.05 of this Code or evidence based funding purposes in accordance with and subject to the limitations of Section 18 8.15 of this Code.
- (d) The impact of remote educational programs on wages, hours, and terms and conditions of employment of educational employees within the school district shall be subject to local collective bargaining agreements.
- (e) The use of a home or other location outside of a school building for a remote educational program shall not cause the home or other location to be deemed a public school facility.
- (f) A remote educational program may be used, but is not required, for instruction delivered to a student in the home or other location outside of a school building that is not claimed for general State aid purposes under Section 18-8.05 of this Code or evidence-based funding purposes under Section 18-8.15 of this Code.
- (g) School districts that, pursuant to this Section, adopt a policy for a remote educational program must submit to the State Board of Education a copy of the policy and any amendments thereto, as well as data on student participation in

- 1 a format specified by the State Board of Education. The State
- 2 Board of Education may perform or contract with an outside
- 3 entity to perform an evaluation of remote educational programs
- 4 in this State.
- 5 (h) The State Board of Education may adopt any rules
- 6 necessary to ensure compliance by remote educational programs
- 7 with the requirements of this Section and other applicable
- 8 legal requirements.
- 9 (Source: P.A. 99-193, eff. 7-30-15; 99-194, eff. 7-30-15;
- 10 99-642, eff. 7-28-16; 100-465, eff. 8-31-17.)
- 11 (105 ILCS 5/34-1.1) (from Ch. 122, par. 34-1.1)
- 12 Sec. 34-1.1. Definitions. As used in this Article:
- 13 "Academic Accountability Council" means the Chicago
- 14 Schools Academic Accountability Council created under Section
- 15 34-3.4.
- "Local School Council" means a local school council
- 17 established under Section 34-2.1.
- "School" and "attendance center" are used interchangeably
- 19 to mean any attendance center operated pursuant to this Article
- and under the direction of one principal.
- "Secondary Attendance Center" means a school which has
- 22 students enrolled in grades 9 through 12 (although it may also
- have students enrolled in grades below grade 9).
- "Local Attendance Area School" means a school which has a
- local attendance area established by the board.

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1 "Multi-area school" means a school other than a local 2 attendance area school.

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

school" "Contract turnaround means an experimental contract school created by the board to implement alternative governance in an attendance center subject to restructuring or similar intervention under federal law that has not made adequate yearly progress for 5 consecutive years or a time period set forth in federal law.

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

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

"School staff" means all certificated and uncertificated school personnel, including all teaching and administrative staff (other than the principal) and including all custodial,

- 1 food service and other civil service employees, who are
- 2 employed at and assigned to perform the majority of their
- 3 employment duties at one attendance center served by the same
- 4 local school council.
- 5 "Regular meetings" means the meeting dates established by
- 6 the local school council at its annual organizational meeting.
- 7 (Source: P.A. 96-105, eff. 7-30-09.)
- 8 (105 ILCS 5/34-3.5)
- 9 Sec. 34-3.5. Partnership agreement on advancing student
- 10 achievement; Every Student Succeeds Act No Child Left Behind
- 11 Act of 2001.
- 12 (a) The General Assembly finds that the Chicago Teachers
- 13 Union, the Chicago Board of Education, and the district's chief
- 14 executive officer have a common responsibility beyond their
- 15 statutory collective bargaining relationship to institute
- 16 purposeful education reforms in the Chicago Public Schools that
- 17 maximize the number of students in the Chicago Public Schools
- 18 who reach or exceed proficiency with regard to State academic
- 19 standards and assessments. The General Assembly further finds
- 20 that education reform in the Chicago Public Schools must be
- 21 premised on a commitment by all stakeholders to redefine
- relationships, develop, implement, and evaluate programs, seek
- 23 new and additional resources, improve the value of educational
- 24 programs to students, accelerate the quality of teacher
- 25 training, improve instructional excellence, and develop and

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implement strategies to comply with the federal Every Student 1 2 Succeeds Act No Child Left Behind Act of 2001 (Public Law  $\frac{107-110}{107}$ . 3

The Chicago Board of Education and the district's chief executive officer shall enter into a partnership agreement with the Chicago Teachers Union to allow the parties to work together to advance the Chicago Public Schools to the next level of education reform. This agreement must be entered into and take effect within 90 days after the effective date of this amendatory Act of the 93rd General Assembly. As part of this agreement, the Chicago Teachers Union, the Chicago Board of Education, and the district's chief executive officer shall jointly file a report with the General Assembly at the end of each school year with respect to the nature of the reforms that the parties have instituted, the effect of these reforms on student achievement, and any other matters that the parties deem relevant to evaluating the effectiveness of the agreement.

(b) Decisions concerning matters of inherent managerial policy necessary to comply with the federal Every Student Succeeds Act No Child Left Behind Act of 2001 (Public Law 107-110), including such areas of discretion or policy as the functions of the employer, the standards and delivery of educational services and programs, the district's overall budget, the district's organizational structure, assignment, school choice, and the selection of new employees and direction of employees, and the impact of these decisions

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on individual employees or the bargaining unit shall be permissive subjects of bargaining between the educational employer and the exclusive bargaining representative and are within the sole discretion of the educational employer to decide to bargain. This subsection (b) is exclusive of the parties' obligations and responsibilities under Section 4.5 of the Illinois Educational Labor Relations Act (provided that any dispute or impasse that may arise under this subsection (b) shall be resolved exclusively as set forth in subsection (b) of Section 12 of the Illinois Educational Labor Relations Act in lieu of a strike under Section 13 of the Illinois Educational Labor Relations Act).

- 13 (Source: P.A. 93-3, eff. 4-16-03.)
- 14 (105 ILCS 5/34-18.24)
- 15 Sec. 34-18.24. Transfer of students.
- 16 (a) The board shall establish and implement a policy governing the transfer of a student from one attendance center 17 to another within the school district upon the request of the 18 student's parent or guardian. Any request by a parent or 19 quardian to transfer his or her child from one attendance 20 21 center to another within the school district pursuant to 22 Section 1116 of the federal Elementary and Secondary Education Act of 1965 (20 U.S.C. Sec. 6317) must be made no later than 30 23 24 days after the parent or quardian receives notice of the right 25 to transfer pursuant to that law. A student may not transfer to

on an individual basis:

- any of the following attendance centers, except by change in residence if the policy authorizes enrollment based on residence in an attendance area or unless approved by the board
  - (1) An attendance center that exceeds or as a result of the transfer would exceed its attendance capacity.
  - (2) An attendance center for which the board has established academic criteria for enrollment if the student does not meet the criteria, provided that the transfer must be permitted if the attendance center is the only attendance center serving the student's grade that has not been identified for school improvement, corrective action, or restructuring under Section 1116 of the federal Elementary and Secondary Education Act of 1965 (20 U.S.C. Sec. 6317).
  - (3) Any attendance center if the transfer would prevent the school district from meeting its obligations under a State or federal law, court order, or consent decree applicable to the school district.
  - (b) The board shall establish and implement a policy governing the transfer of students within the school district from a persistently dangerous attendance center to another attendance center in that district that is not deemed to be persistently dangerous. In order to be considered a persistently dangerous attendance center, the attendance center must meet all of the following criteria for 2 consecutive years:

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- 1 (1) Have greater than 3% of the students enrolled in 2 the attendance center expelled for violence-related 3 conduct.
  - (2) Have one or more students expelled for bringing a firearm to school as defined in 18 U.S.C. 921.
  - (3) Have at least 3% of the students enrolled in the attendance center exercise the individual option to transfer attendance centers pursuant to subsection (c) of this Section.
- 10 (c) A student may transfer from one attendance center to
  11 another attendance center within the district if the student is
  12 a victim of a violent crime as defined in Section 3 of the
  13 Rights of Crime Victims and Witnesses Act. The violent crime
  14 must have occurred on school grounds during regular school
  15 hours or during a school-sponsored event.
- (d) (Blank). Transfers made pursuant to subsections (b) and (c) of this Section shall be made in compliance with the federal No Child Left Behind Act of 2001 (Public Law 107 110).

  (Source: P.A. 92-604, eff. 7-1-02; 93-633, eff. 12-23-03.)
- 20 (105 ILCS 5/2-3.25d rep.)
- 21 (105 ILCS 5/10-20.39 rep.)
- 22 (105 ILCS 5/21B-200 rep.)
- 23 (105 ILCS 5/34-18.31 rep.)
- 24 Section 10. The School Code is amended by repealing 25 Sections 2-3.25d, 10-20.39, 21B-200, and 34-18.31.

- Section 99. Effective date. This Act takes effect upon 1
- 2 becoming law.