



Sen. Sue Rezin

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10000SB3418sam002

LRB100 18809 AXK 38972 a

1 AMENDMENT TO SENATE BILL 3418

2 AMENDMENT NO. _____. Amend Senate Bill 3418, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The School Code is amended by changing Section
6 10-21.4 as follows:

7 (105 ILCS 5/10-21.4) (from Ch. 122, par. 10-21.4)

8 Sec. 10-21.4. Superintendent - Duties.

9 (a) Except in districts in which there is only one school
10 with fewer than 4 teachers, to employ a superintendent or share
11 the services of a superintendent as otherwise provided in this
12 Section, who shall have charge of the administration of the
13 schools under the direction of the board of education. However,
14 in any school district that has boundaries that lie in 3
15 counties, one county of which has a population exceeding
16 1,000,000 inhabitants, that has an enrollment of more than

1 35,000 students, and that has on staff properly licensed
2 assistant superintendents or directors in the areas of
3 instruction, finance, special education, assessments, and
4 career and technology education, the school board may instead,
5 by a vote of a majority of its full membership, appoint a chief
6 executive officer to serve as its superintendent, who shall be
7 a person of recognized administrative ability and management
8 experience, hold a master's degree, have been employed with the
9 school district for a minimum of 5 years in an administrative
10 capacity, be responsible for the management of the district,
11 and have all other powers and duties of a superintendent as set
12 forth in this Code, but who shall be exempt from the provisions
13 and requirements of Section 21B-15 of this Code for a period of
14 5 years.

15 (b) A school board shall, upon passage of a referendum as
16 provided in subsection (c) of this Section after submission of
17 a petition signed by no less than 8% of the school district's
18 voters in the last consolidated election, or may, by
19 resolution, enter into a joint agreement with other school
20 boards to share the services of a superintendent or other
21 administrator. Each school board involved in the joint
22 agreement must agree to the joint agreement by resolution or by
23 passage of a referendum. A school board is not required to
24 enter into a joint agreement in the same manner as the other
25 school boards in the agreement, as long as the school board
26 agrees to the joint agreement by resolution or by passage of a

1 referendum. The agreement must include the amount that each
2 school board shall contribute to the salary of the
3 superintendent or other administrator. The superintendent or
4 other administrator may be employed by one school board, which
5 shall be reimbursed on a mutually agreed-to basis with other
6 school boards that are parties to the joint agreement. The
7 joint agreement may be amended at any time as provided in the
8 joint agreement or, if the joint agreement does not so provide,
9 the agreement may be amended at any time upon the adoption of a
10 resolution (if the original joint agreement was entered into
11 upon adoption of a resolution) or the passage of a referendum
12 (if the original joint agreement was entered into upon passage
13 of a referendum) in all member school districts. A fully
14 executed copy of the joint agreement shall be filed with the
15 State Board of Education. In the event 3 or more school boards
16 decide to enter into a joint agreement and at least one school
17 board submits a referendum under subsection (c) of this Section
18 that does not pass, the agreement between the remaining school
19 boards is still valid.

20 (c) A petition to enter into a joint agreement under
21 subsection (b) of this Section shall be filed with the
22 applicable election authority, as defined in Section 1-3 of the
23 Election Code, or, in the case of multiple election
24 authorities, with the State Board of Elections no more than 10
25 months and no less than 6 months prior to the election at which
26 the question is to be submitted to the voters, and its validity

1 shall be determined as provided by Article 28 of the Election
2 Code. The election authority or Board, as applicable, shall
3 certify the question and the proper election authority or
4 authorities shall submit the question to the voters. Except as
5 otherwise provided in this Section, this referendum shall be
6 subject to all other general election law requirements. The
7 proposition shall be in substantially the following form:

8 Shall the (school district) enter into a joint
9 agreement with (other school district or districts) to
10 share the services of a (superintendent or other
11 administrator)?

12 Votes shall be recorded as "Yes" or "No".

13 If at least 50% of all votes cast on the proposition are in
14 favor of the proposition or the school board adopts a
15 resolution in all affected school districts, the school boards
16 shall enter into a joint agreement.

17 (d) A school district wishing to withdraw from a joint
18 agreement under this Section shall obtain from its school board
19 a written resolution approving the withdrawal if the school
20 district entered into the joint agreement by resolution. The
21 withdrawing school district must present a written petition for
22 withdrawal from the joint agreement to the other member school
23 districts within the timelines designated by the joint
24 agreement. Upon approval of the petition by all of the
25 remaining member school districts, the petitioning school
26 district shall be withdrawn from the joint agreement effective

1 the following July 1 and shall provide the State Board of
2 Education written notification of the approved withdrawal. If
3 the petition for withdrawal is not approved and the petitioning
4 school district is a part of a Class II county school unit
5 outside of a city with 500,000 or more inhabitants, the
6 petitioning school district may appeal the disapproval
7 decision to the regional board of school trustees of the
8 township that has jurisdiction and authority over the
9 withdrawing school district. If a school district is not under
10 the jurisdiction and authority of the regional board of school
11 trustees of a township, a hearing panel shall be established by
12 the chief administrative officer of the intermediate service
13 center having jurisdiction over the withdrawing school
14 district. The hearing panel shall be made up of 3 members who
15 have a demonstrated interest and background in education. A
16 hearing panel member may not reside within the withdrawing
17 school district and may not be a current school board member or
18 employee of the withdrawing school district or hold any county
19 office. None of the hearing panel members may reside within the
20 same school district. The hearing panel shall serve without
21 remuneration; however, the necessary expenses, including
22 travel, attendant upon any meeting or hearing in relation to
23 these proceedings must be paid. If the regional board of school
24 trustees of the township having jurisdiction and authority over
25 the withdrawing school district or the hearing panel
26 established by the chief administrative officer of the

1 intermediate service center having jurisdiction over the
2 withdrawing school district approves the petition for
3 withdrawal, then the petitioning school district shall be
4 withdrawn from the joint agreement effective the following July
5 1 and shall notify the State Board of Education of the approved
6 withdrawal in writing.

7 (e) A school district wishing to withdraw from a joint
8 agreement under this Section shall submit to the voters of the
9 district at the next consolidated election the question of
10 whether the school district shall withdraw from the joint
11 agreement if the school district entered into the joint
12 agreement by a referendum vote. In addition, the question shall
13 be submitted to the voters of the district at the next
14 consolidated election upon submission of a petition signed by
15 no less than 8% of the district's voters in the last
16 consolidated election. The petition or other school board
17 action shall be filed with the applicable election authority,
18 as defined in Section 1-3 of the Election Code, or, in the case
19 of multiple election authorities, with the State Board of
20 Elections no more than 10 months and no less than 6 months
21 prior to the election at which the question is to be submitted
22 to the voters, and its validity shall be determined as provided
23 by Article 28 of the Election Code. The election authority or
24 Board, as applicable, shall certify the question and the proper
25 election authority or authorities shall submit the question to
26 the voters. Except as otherwise provided in this Section, this

1 referendum shall be subject to all other general election law
2 requirements. The proposition shall be in substantially the
3 following form:

4 Shall the (school district) withdraw from the joint
5 agreement with (other school district or districts) and
6 cease sharing the services of a (superintendent or other
7 administrator)?

8 Votes shall be recorded as "Yes" or "No".

9 If a majority of all votes cast on the proposition are in
10 favor of the proposition, the school district shall be
11 withdrawn from the joint agreement effective the following July
12 1 and shall provide the State Board of Education written
13 notification of the approved withdrawal.

14 (f) In addition to the administrative duties, the
15 superintendent shall make recommendations to the board
16 concerning the budget, building plans, the locations of sites,
17 the selection, retention and dismissal of teachers and all
18 other employees, the selection of textbooks, instructional
19 material and courses of study. However, in districts under a
20 Financial Oversight Panel pursuant to Section 1A-8 for
21 violating a financial plan, the duties and responsibilities of
22 the superintendent in relation to the financial and business
23 operations of the district shall be approved by the Panel. In
24 the event the Board refuses or fails to follow a directive or
25 comply with an information request of the Panel, the
26 performance of those duties shall be subject to the direction

1 of the Panel. The superintendent shall also notify the State
2 Board of Education, the board and the chief administrative
3 official, other than the alleged perpetrator himself, in the
4 school where the alleged perpetrator serves, that any person
5 who is employed in a school or otherwise comes into frequent
6 contact with children in the school has been named as a
7 perpetrator in an indicated report filed pursuant to the Abused
8 and Neglected Child Reporting Act, approved June 26, 1975, as
9 amended. The superintendent shall keep or cause to be kept the
10 records and accounts as directed and required by the board, aid
11 in making reports required by the board, and perform such other
12 duties as the board may delegate to him.

13 In addition, each year at a time designated by the State
14 Superintendent of Education, each superintendent shall report
15 to the State Board of Education the number of high school
16 students in the district who are enrolled in accredited courses
17 (for which high school credit will be awarded upon successful
18 completion of the courses) at any community college, together
19 with the name and number of the course or courses which each
20 such student is taking.

21 (g) The provisions of this Section shall also apply to
22 board of director districts.

23 (h) Notice of intent not to renew a contract must be given
24 in writing stating the specific reason therefor by April 1 of
25 the contract year unless the contract specifically provides
26 otherwise. Failure to do so will automatically extend the

1 contract for an additional year. Within 10 days after receipt
2 of notice of intent not to renew a contract, the superintendent
3 may request a closed session hearing on the dismissal. At the
4 hearing the superintendent has the privilege of presenting
5 evidence, witnesses and defenses on the grounds for dismissal.
6 The provisions of this paragraph shall not apply to a district
7 under a Financial Oversight Panel pursuant to Section 1A-8 for
8 violating a financial plan.

9 (Source: P.A. 99-846, eff. 6-1-17.)"