



Sen. Jennifer Bertino-Tarrant

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1 AMENDMENT TO SENATE BILL 578

2 AMENDMENT NO. _____. Amend Senate Bill 578 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections
5 1A-4, 10-20.30, 10-21.4, and 34-8 as follows:

6 (105 ILCS 5/1A-4) (from Ch. 122, par. 1A-4)

7 Sec. 1A-4. Powers and duties of the Board.

8 A. (Blank).

9 B. The Board shall determine the qualifications of and
10 appoint a chief education officer, to be known as the State
11 Superintendent of Education, who may be proposed by the
12 Governor and who shall serve at the pleasure of the Board and
13 pursuant to a performance-based contract linked to statewide
14 student performance and academic improvement within Illinois
15 schools. Upon expiration or buyout of the contract of the State
16 Superintendent of Education in office on the effective date of

1 this amendatory Act of the 93rd General Assembly, a State
2 Superintendent of Education shall be appointed by a State Board
3 of Education that includes the 7 new Board members who were
4 appointed to fill seats of members whose terms were terminated
5 on the effective date of this amendatory Act of the 93rd
6 General Assembly. Thereafter, a State Superintendent of
7 Education must, at a minimum, be appointed at the beginning of
8 each term of a Governor after that Governor has made
9 appointments to the Board. A performance-based contract issued
10 for the employment of a State Superintendent of Education
11 entered into on or after the effective date of this amendatory
12 Act of the 93rd General Assembly must expire no later than
13 February 1, 2007, and subsequent contracts must expire no later
14 than February 1 each 4 years thereafter. No contract shall be
15 extended or renewed beyond February 1, 2007 and February 1 each
16 4 years thereafter, but a State Superintendent of Education
17 shall serve until his or her successor is appointed. Each
18 contract entered into on or before January 8, 2007 with a State
19 Superintendent of Education must provide that the State Board
20 of Education may terminate the contract for cause, and the
21 State Board of Education shall not thereafter be liable for
22 further payments under the contract. With regard to this
23 amendatory Act of the 93rd General Assembly, it is the intent
24 of the General Assembly that, beginning with the Governor who
25 takes office on the second Monday of January, 2007, a State
26 Superintendent of Education be appointed at the beginning of

1 each term of a Governor after that Governor has made
2 appointments to the Board. The State Superintendent of
3 Education shall not serve as a member of the State Board of
4 Education. The Board shall set the compensation of the State
5 Superintendent of Education who shall serve as the Board's
6 chief executive officer. The Board shall also establish the
7 duties, powers and responsibilities of the State
8 Superintendent, which shall be included in the State
9 Superintendent's performance-based contract along with the
10 goals and indicators of student performance and academic
11 improvement used to measure the performance and effectiveness
12 of the State Superintendent. The State Board of Education may
13 delegate to the State Superintendent of Education the authority
14 to act on the Board's behalf, provided such delegation is made
15 pursuant to adopted board policy or the powers delegated are
16 ministerial in nature. The State Board may not delegate
17 authority under this Section to the State Superintendent to (1)
18 nonrecognize school districts, (2) withhold State payments as a
19 penalty, or (3) make final decisions under the contested case
20 provisions of the Illinois Administrative Procedure Act unless
21 otherwise provided by law.

22 C. The powers and duties of the State Board of Education
23 shall encompass all duties delegated to the Office of
24 Superintendent of Public Instruction on January 12, 1975,
25 except as the law providing for such powers and duties is
26 thereafter amended, and such other powers and duties as the

1 General Assembly shall designate. The Board shall be
2 responsible for the educational policies and guidelines for
3 public schools, pre-school through grade 12 and Vocational
4 Education in the State of Illinois. The Board shall analyze the
5 present and future aims, needs, and requirements of education
6 in the State of Illinois and recommend to the General Assembly
7 the powers which should be exercised by the Board. The Board
8 shall recommend the passage and the legislation necessary to
9 determine the appropriate relationship between the Board and
10 local boards of education and the various State agencies and
11 shall recommend desirable modifications in the laws which
12 affect schools.

13 D. Two members of the Board shall be appointed by the
14 chairperson to serve on a standing joint Education Committee, 2
15 others shall be appointed from the Board of Higher Education, 2
16 others shall be appointed by the chairperson of the Illinois
17 Community College Board, and 2 others shall be appointed by the
18 chairperson of the Human Resource Investment Council. The
19 Committee shall be responsible for making recommendations
20 concerning the submission of any workforce development plan or
21 workforce training program required by federal law or under any
22 block grant authority. The Committee will be responsible for
23 developing policy on matters of mutual concern to elementary,
24 secondary and higher education such as Occupational and Career
25 Education, Teacher Preparation and Certification, Educational
26 Finance, Articulation between Elementary, Secondary and Higher

1 Education and Research and Planning. The joint Education
2 Committee shall meet at least quarterly and submit an annual
3 report of its findings, conclusions, and recommendations to the
4 State Board of Education, the Board of Higher Education, the
5 Illinois Community College Board, the Human Resource
6 Investment Council, the Governor, and the General Assembly. All
7 meetings of this Committee shall be official meetings for
8 reimbursement under this Act. On the effective date of this
9 amendatory Act of the 95th General Assembly, the Joint
10 Education Committee is abolished.

11 E. Five members of the Board shall constitute a quorum. A
12 majority vote of the members appointed, confirmed and serving
13 on the Board is required to approve any action, except that the
14 7 new Board members who were appointed to fill seats of members
15 whose terms were terminated on the effective date of this
16 amendatory act of the 93rd General Assembly may vote to approve
17 actions when appointed and serving.

18 Using the most recently available data, the Board shall
19 prepare and submit to the General Assembly and the Governor on
20 or before January 14, 1976 and annually thereafter a report or
21 reports of its findings and recommendations. Such annual report
22 shall contain a separate section which provides a critique and
23 analysis of the status of education in Illinois and which
24 identifies its specific problems and recommends express
25 solutions therefor. Such annual report also shall contain the
26 following information for the preceding year ending on June 30:

1 each act or omission of a school district of which the State
2 Board of Education has knowledge as a consequence of scheduled,
3 approved visits and which constituted a failure by the district
4 to comply with applicable State or federal laws or regulations
5 relating to public education, the name of such district, the
6 date or dates on which the State Board of Education notified
7 the school district of such act or omission, and what action,
8 if any, the school district took with respect thereto after
9 being notified thereof by the State Board of Education. ~~The~~
10 ~~report shall also include the statewide high school dropout~~
11 ~~rate by grade level, sex and race and the annual student~~
12 ~~dropout rate of and the number of students who graduate from,~~
13 ~~transfer from or otherwise leave bilingual programs.~~ The
14 Auditor General shall annually perform a compliance audit of
15 the State Board of Education's performance of the reporting
16 duty imposed by this amendatory Act of 1986. A regular system
17 of communication with other directly related State agencies
18 shall be implemented.

19 The requirement for reporting to the General Assembly shall
20 be satisfied by filing copies of the report with the Speaker,
21 the Minority Leader and the Clerk of the House of
22 Representatives and the President, the Minority Leader and the
23 Secretary of the Senate and the Legislative Council, as
24 required by Section 3.1 of the General Assembly Organization
25 Act, and filing such additional copies with the State
26 Government Report Distribution Center for the General Assembly

1 as is required under paragraph (t) of Section 7 of the State
2 Library Act.

3 F. Upon appointment of the 7 new Board members who were
4 appointed to fill seats of members whose terms were terminated
5 on the effective date of this amendatory Act of the 93rd
6 General Assembly, the Board shall review all of its current
7 rules in an effort to streamline procedures, improve
8 efficiency, and eliminate unnecessary forms and paperwork.

9 (Source: P.A. 95-626, eff. 6-1-08; 95-793, eff. 1-1-09.)

10 (105 ILCS 5/10-20.30)

11 Sec. 10-20.30. No pass-no play policy. Beginning with the
12 1998-99 school year, the school board of each school district
13 that maintains any of grades 9 through 12 shall establish,
14 implement, and enforce a uniform and consistent policy under
15 which a student in any of those grades who fails to maintain a
16 specified minimum grade point average or a specified minimum
17 grade in each course in which the student is enrolled or both
18 is suspended from further participation in any
19 school-sponsored or school-supported athletic or
20 extracurricular activities for a specified period or until a
21 specified minimum grade point average or minimum grade or both
22 are earned by the student. Each school board shall adopt a
23 policy as required by this Section not later than one year
24 after the effective date of this amendatory Act of 1997 and
25 shall concurrently file a copy of that policy with the State

1 Board of Education. ~~After the policy has been in effect for one~~
2 ~~year, the school board shall file a report with the State Board~~
3 ~~of Education setting forth the number and length of suspensions~~
4 ~~imposed under the policy during the period covered by the~~
5 ~~report. If the school board already has a policy that is~~
6 ~~consistent with the requirements of this Section in effect on~~
7 ~~the effective date of this amendatory Act of 1997, it shall~~
8 ~~file a copy of that policy with the State Board of Education~~
9 ~~within 90 days after the effective date of this amendatory Act~~
10 ~~and shall file the annual report required under this Section 12~~
11 ~~months thereafter.~~

12 (Source: P.A. 90-548, eff. 1-1-98.)

13 (105 ILCS 5/10-21.4) (from Ch. 122, par. 10-21.4)

14 Sec. 10-21.4. Superintendent - Duties. Except in districts
15 in which there is only one school with less than four teachers,
16 to employ a superintendent who shall have charge of the
17 administration of the schools under the direction of the board
18 of education. In addition to the administrative duties, the
19 superintendent shall make recommendations to the board
20 concerning the budget, building plans, the locations of sites,
21 the selection, retention and dismissal of teachers and all
22 other employees, the selection of textbooks, instructional
23 material and courses of study. However, in districts under a
24 Financial Oversight Panel pursuant to Section 1A-8 for
25 violating a financial plan, the duties and responsibilities of

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

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

26 The provisions of this section shall also apply to board of

1 director districts.

2 Notice of intent not to renew a contract must be given in
3 writing stating the specific reason therefor by April 1 of the
4 contract year unless the contract specifically provides
5 otherwise. Failure to do so will automatically extend the
6 contract for an additional year. Within 10 days after receipt
7 of notice of intent not to renew a contract, the superintendent
8 may request a closed session hearing on the dismissal. At the
9 hearing the superintendent has the privilege of presenting
10 evidence, witnesses and defenses on the grounds for dismissal.
11 The provisions of this paragraph shall not apply to a district
12 under a Financial Oversight Panel pursuant to Section 1A-8 for
13 violating a financial plan.

14 (Source: P.A. 97-256, eff. 1-1-12.)

15 (105 ILCS 5/34-8) (from Ch. 122, par. 34-8)

16 Sec. 34-8. Powers and duties of general superintendent. The
17 general superintendent of schools shall prescribe and control,
18 subject to the approval of the board and to other provisions of
19 this Article, the courses of study mandated by State law,
20 textbooks, educational apparatus and equipment, discipline in
21 and conduct of the schools, and shall perform such other duties
22 as the board may by rule prescribe. The superintendent shall
23 also notify the State Board of Education, the board and the
24 chief administrative official, other than the alleged
25 perpetrator himself, in the school where the alleged

1 perpetrator serves, that any person who is employed in a school
2 or otherwise comes into frequent contact with children in the
3 school has been named as a perpetrator in an indicated report
4 filed pursuant to the Abused and Neglected Child Reporting Act,
5 approved June 26, 1975, as amended.

6 The general superintendent may be granted the authority by
7 the board to hire a specific number of employees to assist in
8 meeting immediate responsibilities. Conditions of employment
9 for such personnel shall not be subject to the provisions of
10 Section 34-85.

11 The general superintendent may, pursuant to a delegation of
12 authority by the board and Section 34-18, approve contracts and
13 expenditures.

14 Pursuant to other provisions of this Article, sites shall
15 be selected, schoolhouses located thereon and plans therefor
16 approved, and textbooks and educational apparatus and
17 equipment shall be adopted and purchased by the board only upon
18 the recommendation of the general superintendent of schools or
19 by a majority vote of the full membership of the board and, in
20 the case of textbooks, subject to Article 28 of this Act. The
21 board may furnish free textbooks to pupils and may publish its
22 own textbooks and manufacture its own apparatus, equipment and
23 supplies.

24 ~~In addition, in January of each year, the general~~
25 ~~superintendent of schools shall report to the State Board of~~
26 ~~Education the number of high school students in the district~~

1 ~~who are enrolled in accredited courses (for which high school~~
2 ~~credit will be awarded upon successful completion of the~~
3 ~~courses) at any community college, together with the name and~~
4 ~~number of the course or courses which each such student is~~
5 ~~taking.~~

6 The general superintendent shall also have the authority to
7 monitor the performance of attendance centers, to identify and
8 place an attendance center on remediation and probation, and to
9 recommend to the board that the attendance center be placed on
10 intervention and be reconstituted, subject to the provisions of
11 Sections 34-8.3 and 8.4.

12 The general superintendent, or his or her designee, shall
13 conduct an annual evaluation of each principal in the district
14 pursuant to guidelines promulgated by the Board and the Board
15 approved principal evaluation form. The evaluation shall be
16 based on factors, including the following: (i) student academic
17 improvement, as defined by the school improvement plan; (ii)
18 student absenteeism rates at the school; (iii) instructional
19 leadership; (iv) effective implementation of programs,
20 policies, or strategies to improve student academic
21 achievement; (v) school management; and (vi) other factors,
22 including, without limitation, the principal's communication
23 skills and ability to create and maintain a student-centered
24 learning environment, to develop opportunities for
25 professional development, and to encourage parental
26 involvement and community partnerships to achieve school

1 improvement.

2 Effective no later than September 1, 2012, the general
3 superintendent or his or her designee shall develop a written
4 principal evaluation plan. The evaluation plan must be in
5 writing and shall supersede the evaluation requirements set
6 forth in this Section. The evaluation plan must do at least all
7 of the following:

8 (1) Provide for annual evaluation of all principals
9 employed under a performance contract by the general
10 superintendent or his or her designee, no later than July
11 1st of each year.

12 (2) Consider the principal's specific duties,
13 responsibilities, management, and competence as a
14 principal.

15 (3) Specify the principal's strengths and weaknesses,
16 with supporting reasons.

17 (4) Align with research-based standards.

18 (5) Use data and indicators on student growth as a
19 significant factor in rating principal performance.

20 (Source: P.A. 95-496, eff. 8-28-07; 96-861, eff. 1-15-10.)

21 (105 ILCS 5/2-3.11 rep.)

22 (105 ILCS 5/2-3.144 rep.)

23 (105 ILCS 5/10-20.25a rep.)

24 (105 ILCS 5/10-20.26 rep.)

25 Section 10. The School Code is amended by repealing

1 Sections 2-3.11, 2-3.144, 10-20.25a, and 10-20.26.

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.".