



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2096

Introduced 2/15/2019, by Sen. Andy Manar

SYNOPSIS AS INTRODUCED:

See Index

Amends the School Code. With regard to the textbook block grant program, removes a provision requiring the State Board of Education to preapprove and designate textbooks authorized to be purchased under the program; makes a related change. With regard to special education classes for children from orphanages, foster family homes, children's homes, or State residential units, removes a provision requiring each school district claiming reimbursement for a program operated as a group program to have an approved budget on file with the State Board prior to the initiation of the program's operation; makes a related change and other changes regarding claims and reimbursements. With regard to the evidence-based funding formula, removes a provision requiring the State Superintendent of Education to certify the actual amounts of the New State Funds payable for each eligible Organizational Unit based on the equitable distribution calculation to the unit's treasurer and publish a yearly distribution schedule at its meeting in June. Provides that no publisher or retail dealer (rather than person) shall offer any school instructional materials for adoption, sale, or exchange in this State until it has complied with certain conditions; makes related changes. Makes other changes with regard to instructional materials.

LRB101 09856 AXK 54958 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 2-3.155, 14-7.03, 18-3, 18-8.15, 28-1, 28-4, 28-7, 28-8, 28-9,
6 and 28-21 as follows:

7 (105 ILCS 5/2-3.155)

8 Sec. 2-3.155. Textbook block grant program.

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

12 (b) As used in this Section, "textbook" means any book or
13 book substitute that a pupil uses as a text or text substitute,
14 including electronic textbooks. "Textbook" includes books,
15 reusable workbooks, manuals, whether bound or in loose-leaf
16 form, instructional computer software, and electronic
17 textbooks and the technological equipment necessary to gain
18 access to and use electronic textbooks intended as a principal
19 source of study material for a given class or group of
20 students. "Textbook" also includes science curriculum
21 materials in a kit format that includes pre-packaged consumable
22 materials if (i) it is shown that the materials serve as a
23 textbook substitute, (ii) the materials are for use by the

1 pupils as a principal learning source, (iii) each component of
2 the materials is integrally necessary to teach the requirements
3 of the intended course, (iv) the kit includes teacher guidance
4 materials, and (v) the purchase of individual consumable
5 materials is not allowed.

6 (c) Subject ~~Beginning July 1, 2011, subject~~ to annual
7 appropriation by the General Assembly, the State Board of
8 Education is authorized to provide annual funding to public
9 school districts and State-recognized, non-public schools
10 serving students in grades kindergarten through 12 for the
11 purchase of selected textbooks. The textbooks authorized to be
12 purchased under this Section are limited without exception to
13 textbooks ~~that have been preapproved and designated by the~~
14 ~~State Board of Education~~ for use in any public school and that
15 are secular, non-religious, and non-sectarian. ~~The State Board~~
16 ~~of Education shall annually publish a list of the textbooks~~
17 ~~authorized to be purchased under this Section.~~ Each public
18 school district and State-recognized, non-public school shall,
19 subject to appropriations for that purpose, receive a per pupil
20 grant for the purchase of secular textbooks. The per pupil
21 grant amount must be calculated by the State Board of Education
22 utilizing the total appropriation made for these purposes
23 divided by the most current student enrollment data available.

24 (d) The State Board of Education may adopt rules as
25 necessary for the implementation of this Section and to ensure
26 the religious neutrality of the textbook block grant program,

1 as well as provide for the monitoring of all textbooks
2 authorized in this Section to be purchased directly by
3 State-recognized, nonpublic schools serving students in grades
4 kindergarten through 12.

5 (Source: P.A. 97-570, eff. 8-25-11; 97-813, eff. 7-13-12.)

6 (105 ILCS 5/14-7.03) (from Ch. 122, par. 14-7.03)

7 Sec. 14-7.03. Special education classes ~~Education Classes~~
8 for children ~~Children~~ from orphanages ~~Orphanages~~, foster
9 family homes, children's homes ~~Foster Family Homes, Children's~~
10 ~~Homes~~, or ~~in~~ State residential units ~~Housing Units~~. If a school
11 district maintains special education classes on the site of
12 orphanages and children's homes, or if children from the
13 orphanages, children's homes, foster family homes, other State
14 agencies, or State residential units for children attend
15 classes for children with disabilities in which the school
16 district is a participating member of a joint agreement, or if
17 the children from the orphanages, children's homes, foster
18 family homes, other State agencies, or State residential units
19 attend classes for the children with disabilities maintained by
20 the school district, then reimbursement shall be paid to
21 eligible districts in accordance with the provisions of this
22 Section by the Comptroller as directed by the State
23 Superintendent of Education.

24 The amount of tuition for such children shall be determined
25 by the actual cost of maintaining such classes, using the per

1 capita cost formula set forth in Section 14-7.01, such program
2 and cost to be pre-approved by the State Superintendent of
3 Education.

4 If a school district makes a claim for reimbursement under
5 Section 18-3 ~~or 18-4~~ of this Code Act it shall not include in
6 any claim filed under this Section a claim for such children.
7 Payments authorized by law, including State or federal grants
8 for education of children included in this Section, shall be
9 deducted in determining the tuition amount.

10 Nothing in this Code Act shall be construed so as to
11 prohibit reimbursement for the tuition of children placed in
12 for profit facilities. Private facilities shall provide
13 adequate space at the facility for special education classes
14 provided by a school district or joint agreement for children
15 with disabilities who are residents of the facility at no cost
16 to the school district or joint agreement upon request of the
17 school district or joint agreement. If such a private facility
18 provides space at no cost to the district or joint agreement
19 for special education classes provided to children with
20 disabilities who are residents of the facility, the district or
21 joint agreement shall not include any costs for the use of
22 those facilities in its claim for reimbursement.

23 Reimbursement for tuition may include the cost of providing
24 summer school programs for children with severe and profound
25 disabilities served under this Section. Claims for that
26 reimbursement shall be filed by November 1 and shall be paid on

1 or before December 15 from appropriations made for the purposes
2 of this Section.

3 The State Board of Education shall establish such rules and
4 regulations as may be necessary to implement the provisions of
5 this Section.

6 Claims filed on behalf of programs operated under this
7 Section housed in an orphanage, children's home, private
8 facility, State residential unit, district or joint agreement
9 site, a jail, detention center, or county-owned shelter care
10 facility shall be on an individual student basis only for
11 eligible students with disabilities. These claims shall be in
12 accordance with applicable rules.

13 ~~Each district claiming reimbursement for a program~~
14 ~~operated as a group program shall have an approved budget on~~
15 ~~file with the State Board of Education prior to the initiation~~
16 ~~of the program's operation. On September 30, December 31, and~~
17 ~~March 31, the State Board of Education shall voucher payments~~
18 ~~to group programs based upon the approved budget during the~~
19 ~~year of operation. Final claims for group payments shall be~~
20 ~~filed on or before July 15. Final claims for group programs~~
21 ~~received at the State Board of Education on or before June 15~~
22 ~~shall be vouchered by June 30. Final claims received at the~~
23 ~~State Board of Education between June 16 and July 15 shall be~~
24 ~~vouchered by August 30. Claims for group programs received~~
25 ~~after July 15 shall not be honored.~~

26 Each district claiming reimbursement for individual

1 students shall have the eligibility of those students verified
2 by the State Board of Education. On September 30, December 31,
3 and March 31, the State Board of Education shall voucher
4 payments for individual students based upon an estimated cost
5 calculated from the prior year's claim. Final claims for
6 individual students for the regular school term must be
7 received at the State Board of Education by June ~~July~~ 15.
8 Claims for individual students received after June ~~July~~ 15
9 shall not be honored. Claims received by June 15 may be amended
10 until August 1. Final claims for individual students shall be
11 vouchered by August 31 ~~30~~. However, notwithstanding any other
12 provisions of this Section or this Code, if the amount
13 appropriated for any fiscal year is less than the amount
14 required for purposes of this Section, the amount required to
15 eliminate any insufficient reimbursement for each district
16 claim under this Section shall be reimbursed on August 31 of
17 the next fiscal year. Payments required to eliminate any
18 insufficiency for prior fiscal year claims shall be made before
19 any claims are paid for the current fiscal year.

20 ~~Reimbursement shall be made based upon approved group~~
21 ~~programs or individual students. The State Superintendent of~~
22 ~~Education shall direct the Comptroller to pay a specified~~
23 ~~amount to the district by the 30th day of September, December,~~
24 ~~March, June, or August, respectively. However, notwithstanding~~
25 ~~any other provisions of this Section or the School Code,~~
26 ~~beginning with fiscal year 1994 and each fiscal year~~

1 ~~thereafter, if the amount appropriated for any fiscal year is~~
2 ~~less than the amount required for purposes of this Section, the~~
3 ~~amount required to eliminate any insufficient reimbursement~~
4 ~~for each district claim under this Section shall be reimbursed~~
5 ~~on August 30 of the next fiscal year. Payments required to~~
6 ~~eliminate any insufficiency for prior fiscal year claims shall~~
7 ~~be made before any claims are paid for the current fiscal year.~~

8 ~~The claim of a school district otherwise eligible to be~~
9 ~~reimbursed in accordance with Section 14-12.01 for the 1976-77~~
10 ~~school year but for this amendatory Act of 1977 shall not be~~
11 ~~paid unless the district ceases to maintain such classes for~~
12 ~~one entire school year.~~

13 ~~If a school district's current reimbursement payment for~~
14 ~~the 1977-78 school year only is less than the prior year's~~
15 ~~reimbursement payment owed, the district shall be paid the~~
16 ~~amount of the difference between the payments in addition to~~
17 ~~the current reimbursement payment, and the amount so paid shall~~
18 ~~be subtracted from the amount of prior year's reimbursement~~
19 ~~payment owed to the district.~~

20 Regional superintendents may operate special education
21 classes for children from orphanages, foster family homes,
22 children's homes, or State residential ~~housing~~ units located
23 within the educational services region upon consent of the
24 school board otherwise so obligated. In electing to assume the
25 powers and duties of a school district in providing and
26 maintaining such a special education program, the regional

1 superintendent may enter into joint agreements with other
2 districts and may contract with public or private schools or
3 the orphanage, foster family home, children's home, or State
4 residential housing unit for provision of the special education
5 program. The regional superintendent exercising the powers
6 granted under this Section shall be reimbursed for the actual
7 cost of providing such programs by the resident district as
8 defined in Section 14-1.11a ~~claim the reimbursement authorized~~
9 ~~by this Section directly from the State Board of Education.~~

10 Any child who is not a resident of Illinois who is placed
11 in a child welfare institution, private facility, foster family
12 home, State operated program, orphanage, or children's home
13 shall have the payment for his educational tuition and any
14 related services assured by the placing agent.

15 For each student with a disability who is placed in a
16 residential facility by an Illinois public agency or by any
17 court in this State, the costs for educating the student are
18 eligible for reimbursement under this Section.

19 The district of residence of the student with a disability
20 as defined in Section 14-1.11a is responsible for the actual
21 costs of the student's special education program and is
22 eligible for reimbursement under this Section when placement is
23 made by a State agency or the courts.

24 When a dispute arises over the determination of the
25 district of residence under this Section, the district or
26 districts may appeal the decision in writing to the State

1 Superintendent of Education, who, upon review of materials
2 submitted and any other items or information he or she may
3 request for submission, shall issue a written decision on the
4 matter. The decision of the State Superintendent of Education
5 shall be final.

6 In the event a district does not make a tuition payment to
7 another district that is providing the special education
8 program and services, the State Board of Education shall
9 immediately withhold 125% of the then remaining annual tuition
10 cost from the State aid or categorical aid payment due to the
11 school district that is determined to be the resident school
12 district. All funds withheld by the State Board of Education
13 shall immediately be forwarded to the school district where the
14 student is being served.

15 When a child eligible for services under this Section
16 14-7.03 must be placed in a nonpublic facility, that facility
17 shall meet the programmatic requirements of Section 14-7.02 and
18 its regulations, and the educational services shall be funded
19 only in accordance with this Section 14-7.03.

20 (Source: P.A. 98-739, eff. 7-16-14; 99-143, eff. 7-27-15.)

21 (105 ILCS 5/18-3) (from Ch. 122, par. 18-3)

22 Sec. 18-3. Tuition of children from orphanages and
23 children's homes. When the children from any home for orphans,
24 dependent, abandoned or maladjusted children maintained by any
25 organization or association admitting to such home children

1 from the State in general or when children residing in a school
2 district wherein the State of Illinois maintains and operates
3 any welfare or penal institution on property owned by the State
4 of Illinois, which contains houses, housing units or housing
5 accommodations within a school district, attend grades
6 kindergarten through 12 of the public schools maintained by
7 that school district, the State Superintendent of Education
8 shall direct the State Comptroller to pay a specified amount
9 sufficient to pay the annual tuition cost of such children who
10 attended such public schools during the regular school year
11 ending on June 30. The Comptroller shall pay the amount after
12 receipt of a voucher submitted by the State Superintendent of
13 Education.

14 The amount of the tuition for such children attending the
15 public schools of the district shall be determined by the State
16 Superintendent of Education by multiplying the number of such
17 children in average daily attendance in such schools by 1.2
18 times the total annual per capita cost of administering the
19 schools of the district. Such total annual per capita cost
20 shall be determined by totaling all expenses of the school
21 district in the educational, operations and maintenance, bond
22 and interest, transportation, Illinois municipal retirement,
23 and rent funds for the school year preceding the filing of such
24 tuition claims less expenditures not applicable to the regular
25 K-12 program, less offsetting revenues from State sources
26 except those from the common school fund, less offsetting

1 revenues from federal sources except those from federal
2 impaction aid, less student and community service revenues,
3 plus a depreciation allowance; and dividing such total by the
4 average daily attendance for the year.

5 Annually on or before June ~~July~~ 15 the superintendent of
6 the district shall certify to the State Superintendent of
7 Education the following:

8 1. The name of the home and of the organization or
9 association maintaining it; or the legal description of the
10 real estate upon which the house, housing units, or housing
11 accommodations are located and that no taxes or service
12 charges or other payments authorized by law to be made in
13 lieu of taxes were collected therefrom or on account
14 thereof during either of the calendar years included in the
15 school year for which claim is being made;

16 2. The number of children from the home or living in
17 such houses, housing units or housing accommodations and
18 attending the schools of the district;

19 3. The total number of children attending the schools
20 of the district;

21 4. The per capita tuition charge of the district; and

22 5. The computed amount of the tuition payment claimed
23 as due.

24 Whenever the persons in charge of such home for orphans,
25 dependent, abandoned or maladjusted children have received
26 from the parent or guardian of any such child or by virtue of

1 an order of court a specific allowance for educating such
2 child, such persons shall pay to the school board in the
3 district where the child attends school such amount of the
4 allowance as is necessary to pay the tuition required by such
5 district for the education of the child. If the allowance is
6 insufficient to pay the tuition in full the State
7 Superintendent of Education shall direct the Comptroller to pay
8 to the district the difference between the total tuition
9 charged and the amount of the allowance.

10 Whenever the facilities of a school district in which such
11 house, housing units or housing accommodations are located, are
12 limited, pupils may be assigned by that district to the schools
13 of any adjacent district to the limit of the facilities of the
14 adjacent district to properly educate such pupils as shall be
15 determined by the school board of the adjacent district, and
16 the State Superintendent of Education shall direct the
17 Comptroller to pay a specified amount sufficient to pay the
18 annual tuition of the children so assigned to and attending
19 public schools in the adjacent districts and the Comptroller
20 shall draw his warrant upon the State Treasurer for the payment
21 of such amount for the benefit of the adjacent school districts
22 in the same manner as for districts in which the houses,
23 housing units or housing accommodations are located.

24 ~~The school district shall certify to the State~~
25 ~~Superintendent of Education the report of claims due for such~~
26 ~~tuition payments on or before July 15. The State Superintendent~~

1 ~~of Education shall direct the Comptroller to pay to the~~
2 ~~district, on or before August 15, the amount due the district~~
3 ~~for the school year in accordance with the calculation of the~~
4 ~~claim as set forth in this Section.~~

5 Summer session costs shall be reimbursed based on the
6 actual expenditures for providing these services. On or before
7 November 1 of each year, the superintendent of each eligible
8 school district shall certify to the State Superintendent of
9 Education the claim of the district for the summer session
10 following the regular school year just ended. The State
11 Superintendent of Education shall transmit to the Comptroller
12 no later than December 15th of each year vouchers for payment
13 of amounts due to school districts for summer session.

14 Claims for tuition for children from any home for orphans
15 or dependent, abandoned, or maladjusted children ~~beginning~~
16 ~~with the 1993-1994 school year~~ shall be paid on a current year
17 basis. On September 30, December 31, and March 31, the State
18 Board of Education shall voucher payments for districts with
19 those students based on an estimated cost calculated from the
20 prior year's claim. The school district shall certify to the
21 State Superintendent of Education the report of claims due for
22 such tuition payments on or before June 15. Claims received by
23 June 15 may be amended until August 1. The State Superintendent
24 of Education shall direct the State Comptroller to pay to the
25 district, on or before August 31, the amount due for the
26 district for the school year in accordance with the calculation

1 ~~of the claim as set forth in this Section. Final claims for~~
2 ~~those students for the regular school term must be received at~~
3 ~~the State Board of Education by July 15 following the end of~~
4 ~~the regular school year. Final claims for those students shall~~
5 ~~be vouchered by August 30. During fiscal year 1994 both the~~
6 ~~1992 1993 school year and the 1993 1994 school year shall be~~
7 ~~paid in order to change the cycle of payment from a~~
8 ~~reimbursement basis to a current year funding basis of payment.~~

9 However, notwithstanding any other provisions of this Section
10 or the School Code, beginning with fiscal year 1994 and each
11 fiscal year thereafter, if the amount appropriated for any
12 fiscal year is less than the amount required for purposes of
13 this Section, the amount required to eliminate any insufficient
14 reimbursement for each district claim under this Section shall
15 be reimbursed on August 31 ~~30~~ of the next fiscal year. Payments
16 required to eliminate any insufficiency for prior fiscal year
17 claims shall be made before any claims are paid for the current
18 fiscal year.

19 If a school district makes a claim for reimbursement under
20 Section 14-7.03 it shall not include in any claim filed under
21 this Section children residing on the property of State
22 institutions included in its claim under Section 14-7.03.

23 Any child who is not a resident of Illinois who is placed
24 in a child welfare institution, private facility, State
25 operated program, orphanage or children's home shall have the
26 payment for his educational tuition and any related services

1 assured by the placing agent.

2 In order to provide services appropriate to allow a student
3 under the legal guardianship or custodianship of the State to
4 participate in local school district educational programs,
5 costs may be incurred in appropriate cases by the district that
6 are in excess of 1.2 times the district per capita tuition
7 charge allowed under the provisions of this Section. In the
8 event such excess costs are incurred, they must be documented
9 in accordance with cost rules established under the authority
10 of this Section and may then be claimed for reimbursement under
11 this Section.

12 Planned services for students eligible for this funding
13 must be a collaborative effort between the appropriate State
14 agency or the student's group home or institution and the local
15 school district.

16 (Source: P.A. 96-734, eff. 8-25-09; 97-256, eff. 1-1-12.)

17 (105 ILCS 5/18-8.15)

18 Sec. 18-8.15. Evidence-based funding for student success
19 for the 2017-2018 and subsequent school years.

20 (a) General provisions.

21 (1) The purpose of this Section is to ensure that, by
22 June 30, 2027 and beyond, this State has a kindergarten
23 through grade 12 public education system with the capacity
24 to ensure the educational development of all persons to the
25 limits of their capacities in accordance with Section 1 of

1 Article X of the Constitution of the State of Illinois. To
2 accomplish that objective, this Section creates a method of
3 funding public education that is evidence-based; is
4 sufficient to ensure every student receives a meaningful
5 opportunity to learn irrespective of race, ethnicity,
6 sexual orientation, gender, or community-income level; and
7 is sustainable and predictable. When fully funded under
8 this Section, every school shall have the resources, based
9 on what the evidence indicates is needed, to:

10 (A) provide all students with a high quality
11 education that offers the academic, enrichment, social
12 and emotional support, technical, and career-focused
13 programs that will allow them to become competitive
14 workers, responsible parents, productive citizens of
15 this State, and active members of our national
16 democracy;

17 (B) ensure all students receive the education they
18 need to graduate from high school with the skills
19 required to pursue post-secondary education and
20 training for a rewarding career;

21 (C) reduce, with a goal of eliminating, the
22 achievement gap between at-risk and non-at-risk
23 students by raising the performance of at-risk
24 students and not by reducing standards; and

25 (D) ensure this State satisfies its obligation to
26 assume the primary responsibility to fund public

1 education and simultaneously relieve the
2 disproportionate burden placed on local property taxes
3 to fund schools.

4 (2) The evidence-based funding formula under this
5 Section shall be applied to all Organizational Units in
6 this State. The evidence-based funding formula outlined in
7 this Act is based on the formula outlined in Senate Bill 1
8 of the 100th General Assembly, as passed by both
9 legislative chambers. As further defined and described in
10 this Section, there are 4 major components of the
11 evidence-based funding model:

12 (A) First, the model calculates a unique adequacy
13 target for each Organizational Unit in this State that
14 considers the costs to implement research-based
15 activities, the unit's student demographics, and
16 regional wage difference.

17 (B) Second, the model calculates each
18 Organizational Unit's local capacity, or the amount
19 each Organizational Unit is assumed to contribute
20 towards its adequacy target from local resources.

21 (C) Third, the model calculates how much funding
22 the State currently contributes to the Organizational
23 Unit, and adds that to the unit's local capacity to
24 determine the unit's overall current adequacy of
25 funding.

26 (D) Finally, the model's distribution method

1 allocates new State funding to those Organizational
2 Units that are least well-funded, considering both
3 local capacity and State funding, in relation to their
4 adequacy target.

5 (3) An Organizational Unit receiving any funding under
6 this Section may apply those funds to any fund so received
7 for which that Organizational Unit is authorized to make
8 expenditures by law.

9 (4) As used in this Section, the following terms shall
10 have the meanings ascribed in this paragraph (4):

11 "Adequacy Target" is defined in paragraph (1) of
12 subsection (b) of this Section.

13 "Adjusted EAV" is defined in paragraph (4) of
14 subsection (d) of this Section.

15 "Adjusted Local Capacity Target" is defined in
16 paragraph (3) of subsection (c) of this Section.

17 "Adjusted Operating Tax Rate" means a tax rate for all
18 Organizational Units, for which the State Superintendent
19 shall calculate and subtract for the Operating Tax Rate a
20 transportation rate based on total expenses for
21 transportation services under this Code, as reported on the
22 most recent Annual Financial Report in Pupil
23 Transportation Services, function 2550 in both the
24 Education and Transportation funds and functions 4110 and
25 4120 in the Transportation fund, less any corresponding
26 fiscal year State of Illinois scheduled payments excluding

1 net adjustments for prior years for regular, vocational, or
2 special education transportation reimbursement pursuant to
3 Section 29-5 or subsection (b) of Section 14-13.01 of this
4 Code divided by the Adjusted EAV. If an Organizational
5 Unit's corresponding fiscal year State of Illinois
6 scheduled payments excluding net adjustments for prior
7 years for regular, vocational, or special education
8 transportation reimbursement pursuant to Section 29-5 or
9 subsection (b) of Section 14-13.01 of this Code exceed the
10 total transportation expenses, as defined in this
11 paragraph, no transportation rate shall be subtracted from
12 the Operating Tax Rate.

13 "Allocation Rate" is defined in paragraph (3) of
14 subsection (g) of this Section.

15 "Alternative School" means a public school that is
16 created and operated by a regional superintendent of
17 schools and approved by the State Board.

18 "Applicable Tax Rate" is defined in paragraph (1) of
19 subsection (d) of this Section.

20 "Assessment" means any of those benchmark, progress
21 monitoring, formative, diagnostic, and other assessments,
22 in addition to the State accountability assessment, that
23 assist teachers' needs in understanding the skills and
24 meeting the needs of the students they serve.

25 "Assistant principal" means a school administrator
26 duly endorsed to be employed as an assistant principal in

1 this State.

2 "At-risk student" means a student who is at risk of not
3 meeting the Illinois Learning Standards or not graduating
4 from elementary or high school and who demonstrates a need
5 for vocational support or social services beyond that
6 provided by the regular school program. All students
7 included in an Organizational Unit's Low-Income Count, as
8 well as all English learner and disabled students attending
9 the Organizational Unit, shall be considered at-risk
10 students under this Section.

11 "Average Student Enrollment" or "ASE" for fiscal year
12 2018 means, for an Organizational Unit, the greater of the
13 average number of students (grades K through 12) reported
14 to the State Board as enrolled in the Organizational Unit
15 on October 1 in the immediately preceding school year, plus
16 the pre-kindergarten students who receive special
17 education services of 2 or more hours a day as reported to
18 the State Board on December 1 in the immediately preceding
19 school year, or the average number of students (grades K
20 through 12) reported to the State Board as enrolled in the
21 Organizational Unit on October 1, plus the
22 pre-kindergarten students who receive special education
23 services of 2 or more hours a day as reported to the State
24 Board on December 1, for each of the immediately preceding
25 3 school years. For fiscal year 2019 and each subsequent
26 fiscal year, "Average Student Enrollment" or "ASE" means,

1 for an Organizational Unit, the greater of the average
2 number of students (grades K through 12) reported to the
3 State Board as enrolled in the Organizational Unit on
4 October 1 and March 1 in the immediately preceding school
5 year, plus the pre-kindergarten students who receive
6 special education services as reported to the State Board
7 on October 1 and March 1 in the immediately preceding
8 school year, or the average number of students (grades K
9 through 12) reported to the State Board as enrolled in the
10 Organizational Unit on October 1 and March 1, plus the
11 pre-kindergarten students who receive special education
12 services as reported to the State Board on October 1 and
13 March 1, for each of the immediately preceding 3 school
14 years. For the purposes of this definition, "enrolled in
15 the Organizational Unit" means the number of students
16 reported to the State Board who are enrolled in schools
17 within the Organizational Unit that the student attends or
18 would attend if not placed or transferred to another school
19 or program to receive needed services. For the purposes of
20 calculating "ASE", all students, grades K through 12,
21 excluding those attending kindergarten for a half day,
22 shall be counted as 1.0. All students attending
23 kindergarten for a half day shall be counted as 0.5, unless
24 in 2017 by June 15 or by March 1 in subsequent years, the
25 school district reports to the State Board of Education the
26 intent to implement full-day kindergarten district-wide

1 for all students, then all students attending kindergarten
2 shall be counted as 1.0. Special education
3 pre-kindergarten students shall be counted as 0.5 each. If
4 the State Board does not collect or has not collected both
5 an October 1 and March 1 enrollment count by grade or a
6 December 1 collection of special education
7 pre-kindergarten students as of the effective date of this
8 amendatory Act of the 100th General Assembly, it shall
9 establish such collection for all future years. For any
10 year where a count by grade level was collected only once,
11 that count shall be used as the single count available for
12 computing a 3-year average ASE. School districts shall
13 submit the data for the ASE calculation to the State Board
14 within 45 days of the dates required in this Section for
15 submission of enrollment data in order for it to be
16 included in the ASE calculation. For fiscal year 2018 only,
17 the ASE calculation shall include only enrollment taken on
18 October 1.

19 "Base Funding Guarantee" is defined in paragraph (10)
20 of subsection (g) of this Section.

21 "Base Funding Minimum" is defined in subsection (e) of
22 this Section.

23 "Base Tax Year" means the property tax levy year used
24 to calculate the Budget Year allocation of primary State
25 aid.

26 "Base Tax Year's Extension" means the product of the

1 equalized assessed valuation utilized by the county clerk
2 in the Base Tax Year multiplied by the limiting rate as
3 calculated by the county clerk and defined in PTELL.

4 "Bilingual Education Allocation" means the amount of
5 an Organizational Unit's final Adequacy Target
6 attributable to bilingual education divided by the
7 Organizational Unit's final Adequacy Target, the product
8 of which shall be multiplied by the amount of new funding
9 received pursuant to this Section. An Organizational
10 Unit's final Adequacy Target attributable to bilingual
11 education shall include all additional investments in
12 English learner students' adequacy elements.

13 "Budget Year" means the school year for which primary
14 State aid is calculated and awarded under this Section.

15 "Central office" means individual administrators and
16 support service personnel charged with managing the
17 instructional programs, business and operations, and
18 security of the Organizational Unit.

19 "Comparable Wage Index" or "CWI" means a regional cost
20 differentiation metric that measures systemic, regional
21 variations in the salaries of college graduates who are not
22 educators. The CWI utilized for this Section shall, for the
23 first 3 years of Evidence-Based Funding implementation, be
24 the CWI initially developed by the National Center for
25 Education Statistics, as most recently updated by Texas A &
26 M University. In the fourth and subsequent years of

1 Evidence-Based Funding implementation, the State
2 Superintendent shall re-determine the CWI using a similar
3 methodology to that identified in the Texas A & M
4 University study, with adjustments made no less frequently
5 than once every 5 years.

6 "Computer technology and equipment" means computers
7 servers, notebooks, network equipment, copiers, printers,
8 instructional software, security software, curriculum
9 management courseware, and other similar materials and
10 equipment.

11 "Computer technology and equipment investment
12 allocation" means the final Adequacy Target amount of an
13 Organizational Unit assigned to Tier 1 or Tier 2 in the
14 prior school year attributable to the additional \$285.50
15 per student computer technology and equipment investment
16 grant divided by the Organizational Unit's final Adequacy
17 Target, the result of which shall be multiplied by the
18 amount of new funding received pursuant to this Section. An
19 Organizational Unit assigned to a Tier 1 or Tier 2 final
20 Adequacy Target attributable to the received computer
21 technology and equipment investment grant shall include
22 all additional investments in computer technology and
23 equipment adequacy elements.

24 "Core subject" means mathematics; science; reading,
25 English, writing, and language arts; history and social
26 studies; world languages; and subjects taught as Advanced

1 Placement in high schools.

2 "Core teacher" means a regular classroom teacher in
3 elementary schools and teachers of a core subject in middle
4 and high schools.

5 "Core Intervention teacher (tutor)" means a licensed
6 teacher providing one-on-one or small group tutoring to
7 students struggling to meet proficiency in core subjects.

8 "CPPRT" means corporate personal property replacement
9 tax funds paid to an Organizational Unit during the
10 calendar year one year before the calendar year in which a
11 school year begins, pursuant to "An Act in relation to the
12 abolition of ad valorem personal property tax and the
13 replacement of revenues lost thereby, and amending and
14 repealing certain Acts and parts of Acts in connection
15 therewith", certified August 14, 1979, as amended (Public
16 Act 81-1st S.S.-1).

17 "EAV" means equalized assessed valuation as defined in
18 paragraph (2) of subsection (d) of this Section and
19 calculated in accordance with paragraph (3) of subsection
20 (d) of this Section.

21 "ECI" means the Bureau of Labor Statistics' national
22 employment cost index for civilian workers in educational
23 services in elementary and secondary schools on a
24 cumulative basis for the 12-month calendar year preceding
25 the fiscal year of the Evidence-Based Funding calculation.

26 "EIS Data" means the employment information system

1 data maintained by the State Board on educators within
2 Organizational Units.

3 "Employee benefits" means health, dental, and vision
4 insurance offered to employees of an Organizational Unit,
5 the costs associated with statutorily required payment of
6 the normal cost of the Organizational Unit's teacher
7 pensions, Social Security employer contributions, and
8 Illinois Municipal Retirement Fund employer contributions.

9 "English learner" or "EL" means a child included in the
10 definition of "English learners" under Section 14C-2 of
11 this Code participating in a program of transitional
12 bilingual education or a transitional program of
13 instruction meeting the requirements and program
14 application procedures of Article 14C of this Code. For the
15 purposes of collecting the number of EL students enrolled,
16 the same collection and calculation methodology as defined
17 above for "ASE" shall apply to English learners, with the
18 exception that EL student enrollment shall include
19 students in grades pre-kindergarten through 12.

20 "Essential Elements" means those elements, resources,
21 and educational programs that have been identified through
22 academic research as necessary to improve student success,
23 improve academic performance, close achievement gaps, and
24 provide for other per student costs related to the delivery
25 and leadership of the Organizational Unit, as well as the
26 maintenance and operations of the unit, and which are

1 specified in paragraph (2) of subsection (b) of this
2 Section.

3 "Evidence-Based Funding" means State funding provided
4 to an Organizational Unit pursuant to this Section.

5 "Extended day" means academic and enrichment programs
6 provided to students outside the regular school day before
7 and after school or during non-instructional times during
8 the school day.

9 "Extension Limitation Ratio" means a numerical ratio
10 in which the numerator is the Base Tax Year's Extension and
11 the denominator is the Preceding Tax Year's Extension.

12 "Final Percent of Adequacy" is defined in paragraph (4)
13 of subsection (f) of this Section.

14 "Final Resources" is defined in paragraph (3) of
15 subsection (f) of this Section.

16 "Full-time equivalent" or "FTE" means the full-time
17 equivalency compensation for staffing the relevant
18 position at an Organizational Unit.

19 "Funding Gap" is defined in paragraph (1) of subsection
20 (g).

21 "Guidance counselor" means a licensed guidance
22 counselor who provides guidance and counseling support for
23 students within an Organizational Unit.

24 "Hybrid District" means a partial elementary unit
25 district created pursuant to Article 11E of this Code.

26 "Instructional assistant" means a core or special

1 education, non-licensed employee who assists a teacher in
2 the classroom and provides academic support to students.

3 "Instructional facilitator" means a qualified teacher
4 or licensed teacher leader who facilitates and coaches
5 continuous improvement in classroom instruction; provides
6 instructional support to teachers in the elements of
7 research-based instruction or demonstrates the alignment
8 of instruction with curriculum standards and assessment
9 tools; develops or coordinates instructional programs or
10 strategies; develops and implements training; chooses
11 standards-based instructional materials; provides teachers
12 with an understanding of current research; serves as a
13 mentor, site coach, curriculum specialist, or lead
14 teacher; or otherwise works with fellow teachers, in
15 collaboration, to use data to improve instructional
16 practice or develop model lessons.

17 "Instructional materials" means relevant instructional
18 materials for student instruction, including, but not
19 limited to, textbooks, consumable workbooks, laboratory
20 equipment, library books, and other similar materials.

21 "Laboratory School" means a public school that is
22 created and operated by a public university and approved by
23 the State Board.

24 "Librarian" means a teacher with an endorsement as a
25 library information specialist or another individual whose
26 primary responsibility is overseeing library resources

1 within an Organizational Unit.

2 "Limiting rate for Hybrid Districts" means the
3 combined elementary school and high school limited rates.

4 "Local Capacity" is defined in paragraph (1) of
5 subsection (c) of this Section.

6 "Local Capacity Percentage" is defined in subparagraph
7 (A) of paragraph (2) of subsection (c) of this Section.

8 "Local Capacity Ratio" is defined in subparagraph (B)
9 of paragraph (2) of subsection (c) of this Section.

10 "Local Capacity Target" is defined in paragraph (2) of
11 subsection (c) of this Section.

12 "Low-Income Count" means, for an Organizational Unit
13 in a fiscal year, the higher of the average number of
14 students for the prior school year or the immediately
15 preceding 3 school years who, as of July 1 of the
16 immediately preceding fiscal year (as determined by the
17 Department of Human Services), are eligible for at least
18 one of the following low income programs: Medicaid, the
19 Children's Health Insurance Program, TANF, or the
20 Supplemental Nutrition Assistance Program, excluding
21 pupils who are eligible for services provided by the
22 Department of Children and Family Services. Until such time
23 that grade level low-income populations become available,
24 grade level low-income populations shall be determined by
25 applying the low-income percentage to total student
26 enrollments by grade level. The low-income percentage is

1 determined by dividing the Low-Income Count by the Average
2 Student Enrollment.

3 "Maintenance and operations" means custodial services,
4 facility and ground maintenance, facility operations,
5 facility security, routine facility repairs, and other
6 similar services and functions.

7 "Minimum Funding Level" is defined in paragraph (9) of
8 subsection (g) of this Section.

9 "New Property Tax Relief Pool Funds" means, for any
10 given fiscal year, all State funds appropriated under
11 Section 2-3.170 of the School Code.

12 "New State Funds" means, for a given school year, all
13 State funds appropriated for Evidence-Based Funding in
14 excess of the amount needed to fund the Base Funding
15 Minimum for all Organizational Units in that school year.

16 "Net State Contribution Target" means, for a given
17 school year, the amount of State funds that would be
18 necessary to fully meet the Adequacy Target of an
19 Operational Unit minus the Preliminary Resources available
20 to each unit.

21 "Nurse" means an individual licensed as a certified
22 school nurse, in accordance with the rules established for
23 nursing services by the State Board, who is an employee of
24 and is available to provide health care-related services
25 for students of an Organizational Unit.

26 "Operating Tax Rate" means the rate utilized in the

1 previous year to extend property taxes for all purposes,
2 except, Bond and Interest, Summer School, Rent, Capital
3 Improvement, and Vocational Education Building purposes.
4 For Hybrid Districts, the Operating Tax Rate shall be the
5 combined elementary and high school rates utilized in the
6 previous year to extend property taxes for all purposes,
7 except, Bond and Interest, Summer School, Rent, Capital
8 Improvement, and Vocational Education Building purposes.

9 "Organizational Unit" means a Laboratory School or any
10 public school district that is recognized as such by the
11 State Board and that contains elementary schools typically
12 serving kindergarten through 5th grades, middle schools
13 typically serving 6th through 8th grades, or high schools
14 typically serving 9th through 12th grades. The General
15 Assembly acknowledges that the actual grade levels served
16 by a particular Organizational Unit may vary slightly from
17 what is typical.

18 "Organizational Unit CWI" is determined by calculating
19 the CWI in the region and original county in which an
20 Organizational Unit's primary administrative office is
21 located as set forth in this paragraph, provided that if
22 the Organizational Unit CWI as calculated in accordance
23 with this paragraph is less than 0.9, the Organizational
24 Unit CWI shall be increased to 0.9. Each county's current
25 CWI value shall be adjusted based on the CWI value of that
26 county's neighboring Illinois counties, to create a

1 "weighted adjusted index value". This shall be calculated
2 by summing the CWI values of all of a county's adjacent
3 Illinois counties and dividing by the number of adjacent
4 Illinois counties, then taking the weighted value of the
5 original county's CWI value and the adjacent Illinois
6 county average. To calculate this weighted value, if the
7 number of adjacent Illinois counties is greater than 2, the
8 original county's CWI value will be weighted at 0.25 and
9 the adjacent Illinois county average will be weighted at
10 0.75. If the number of adjacent Illinois counties is 2, the
11 original county's CWI value will be weighted at 0.33 and
12 the adjacent Illinois county average will be weighted at
13 0.66. The greater of the county's current CWI value and its
14 weighted adjusted index value shall be used as the
15 Organizational Unit CWI.

16 "Preceding Tax Year" means the property tax levy year
17 immediately preceding the Base Tax Year.

18 "Preceding Tax Year's Extension" means the product of
19 the equalized assessed valuation utilized by the county
20 clerk in the Preceding Tax Year multiplied by the Operating
21 Tax Rate.

22 "Preliminary Percent of Adequacy" is defined in
23 paragraph (2) of subsection (f) of this Section.

24 "Preliminary Resources" is defined in paragraph (2) of
25 subsection (f) of this Section.

26 "Principal" means a school administrator duly endorsed

1 to be employed as a principal in this State.

2 "Professional development" means training programs for
3 licensed staff in schools, including, but not limited to,
4 programs that assist in implementing new curriculum
5 programs, provide data focused or academic assessment data
6 training to help staff identify a student's weaknesses and
7 strengths, target interventions, improve instruction,
8 encompass instructional strategies for English learner,
9 gifted, or at-risk students, address inclusivity, cultural
10 sensitivity, or implicit bias, or otherwise provide
11 professional support for licensed staff.

12 "Prototypical" means 450 special education
13 pre-kindergarten and kindergarten through grade 5 students
14 for an elementary school, 450 grade 6 through 8 students
15 for a middle school, and 600 grade 9 through 12 students
16 for a high school.

17 "PTELL" means the Property Tax Extension Limitation
18 Law.

19 "PTELL EAV" is defined in paragraph (4) of subsection
20 (d) of this Section.

21 "Pupil support staff" means a nurse, psychologist,
22 social worker, family liaison personnel, or other staff
23 member who provides support to at-risk or struggling
24 students.

25 "Real Receipts" is defined in paragraph (1) of
26 subsection (d) of this Section.

1 "Regionalization Factor" means, for a particular
2 Organizational Unit, the figure derived by dividing the
3 Organizational Unit CWI by the Statewide Weighted CWI.

4 "School site staff" means the primary school secretary
5 and any additional clerical personnel assigned to a school.

6 "Special education" means special educational
7 facilities and services, as defined in Section 14-1.08 of
8 this Code.

9 "Special Education Allocation" means the amount of an
10 Organizational Unit's final Adequacy Target attributable
11 to special education divided by the Organizational Unit's
12 final Adequacy Target, the product of which shall be
13 multiplied by the amount of new funding received pursuant
14 to this Section. An Organizational Unit's final Adequacy
15 Target attributable to special education shall include all
16 special education investment adequacy elements.

17 "Specialist teacher" means a teacher who provides
18 instruction in subject areas not included in core subjects,
19 including, but not limited to, art, music, physical
20 education, health, driver education, career-technical
21 education, and such other subject areas as may be mandated
22 by State law or provided by an Organizational Unit.

23 "Specially Funded Unit" means an Alternative School,
24 safe school, Department of Juvenile Justice school,
25 special education cooperative or entity recognized by the
26 State Board as a special education cooperative,

1 State-approved charter school, or alternative learning
2 opportunities program that received direct funding from
3 the State Board during the 2016-2017 school year through
4 any of the funding sources included within the calculation
5 of the Base Funding Minimum or Glenwood Academy.

6 "Supplemental Grant Funding" means supplemental
7 general State aid funding received by an Organization Unit
8 during the 2016-2017 school year pursuant to subsection (H)
9 of Section 18-8.05 of this Code (now repealed).

10 "State Adequacy Level" is the sum of the Adequacy
11 Targets of all Organizational Units.

12 "State Board" means the State Board of Education.

13 "State Superintendent" means the State Superintendent
14 of Education.

15 "Statewide Weighted CWI" means a figure determined by
16 multiplying each Organizational Unit CWI times the ASE for
17 that Organizational Unit creating a weighted value,
18 summing all Organizational Unit's weighted values, and
19 dividing by the total ASE of all Organizational Units,
20 thereby creating an average weighted index.

21 "Student activities" means non-credit producing
22 after-school programs, including, but not limited to,
23 clubs, bands, sports, and other activities authorized by
24 the school board of the Organizational Unit.

25 "Substitute teacher" means an individual teacher or
26 teaching assistant who is employed by an Organizational

1 Unit and is temporarily serving the Organizational Unit on
2 a per diem or per period-assignment basis replacing another
3 staff member.

4 "Summer school" means academic and enrichment programs
5 provided to students during the summer months outside of
6 the regular school year.

7 "Supervisory aide" means a non-licensed staff member
8 who helps in supervising students of an Organizational
9 Unit, but does so outside of the classroom, in situations
10 such as, but not limited to, monitoring hallways and
11 playgrounds, supervising lunchrooms, or supervising
12 students when being transported in buses serving the
13 Organizational Unit.

14 "Target Ratio" is defined in paragraph (4) of
15 subsection (g).

16 "Tier 1", "Tier 2", "Tier 3", and "Tier 4" are defined
17 in paragraph (3) of subsection (g).

18 "Tier 1 Aggregate Funding", "Tier 2 Aggregate
19 Funding", "Tier 3 Aggregate Funding", and "Tier 4 Aggregate
20 Funding" are defined in paragraph (1) of subsection (g).

21 (b) Adequacy Target calculation.

22 (1) Each Organizational Unit's Adequacy Target is the
23 sum of the Organizational Unit's cost of providing
24 Essential Elements, as calculated in accordance with this
25 subsection (b), with the salary amounts in the Essential
26 Elements multiplied by a Regionalization Factor calculated

1 pursuant to paragraph (3) of this subsection (b).

2 (2) The Essential Elements are attributable on a pro
3 rata basis related to defined subgroups of the ASE of each
4 Organizational Unit as specified in this paragraph (2),
5 with investments and FTE positions pro rata funded based on
6 ASE counts in excess or less than the thresholds set forth
7 in this paragraph (2). The method for calculating
8 attributable pro rata costs and the defined subgroups
9 thereto are as follows:

10 (A) Core class size investments. Each
11 Organizational Unit shall receive the funding required
12 to support that number of FTE core teacher positions as
13 is needed to keep the respective class sizes of the
14 Organizational Unit to the following maximum numbers:

15 (i) For grades kindergarten through 3, the
16 Organizational Unit shall receive funding required
17 to support one FTE core teacher position for every
18 15 Low-Income Count students in those grades and
19 one FTE core teacher position for every 20
20 non-Low-Income Count students in those grades.

21 (ii) For grades 4 through 12, the
22 Organizational Unit shall receive funding required
23 to support one FTE core teacher position for every
24 20 Low-Income Count students in those grades and
25 one FTE core teacher position for every 25
26 non-Low-Income Count students in those grades.

1 The number of non-Low-Income Count students in a
2 grade shall be determined by subtracting the
3 Low-Income students in that grade from the ASE of the
4 Organizational Unit for that grade.

5 (B) Specialist teacher investments. Each
6 Organizational Unit shall receive the funding needed
7 to cover that number of FTE specialist teacher
8 positions that correspond to the following
9 percentages:

10 (i) if the Organizational Unit operates an
11 elementary or middle school, then 20.00% of the
12 number of the Organizational Unit's core teachers,
13 as determined under subparagraph (A) of this
14 paragraph (2); and

15 (ii) if such Organizational Unit operates a
16 high school, then 33.33% of the number of the
17 Organizational Unit's core teachers.

18 (C) Instructional facilitator investments. Each
19 Organizational Unit shall receive the funding needed
20 to cover one FTE instructional facilitator position
21 for every 200 combined ASE of pre-kindergarten
22 children with disabilities and all kindergarten
23 through grade 12 students of the Organizational Unit.

24 (D) Core intervention teacher (tutor) investments.
25 Each Organizational Unit shall receive the funding
26 needed to cover one FTE teacher position for each

1 prototypical elementary, middle, and high school.

2 (E) Substitute teacher investments. Each
3 Organizational Unit shall receive the funding needed
4 to cover substitute teacher costs that is equal to
5 5.70% of the minimum pupil attendance days required
6 under Section 10-19 of this Code for all full-time
7 equivalent core, specialist, and intervention
8 teachers, school nurses, special education teachers
9 and instructional assistants, instructional
10 facilitators, and summer school and extended-day
11 teacher positions, as determined under this paragraph
12 (2), at a salary rate of 33.33% of the average salary
13 for grade K through 12 teachers and 33.33% of the
14 average salary of each instructional assistant
15 position.

16 (F) Core guidance counselor investments. Each
17 Organizational Unit shall receive the funding needed
18 to cover one FTE guidance counselor for each 450
19 combined ASE of pre-kindergarten children with
20 disabilities and all kindergarten through grade 5
21 students, plus one FTE guidance counselor for each 250
22 grades 6 through 8 ASE middle school students, plus one
23 FTE guidance counselor for each 250 grades 9 through 12
24 ASE high school students.

25 (G) Nurse investments. Each Organizational Unit
26 shall receive the funding needed to cover one FTE nurse

1 for each 750 combined ASE of pre-kindergarten children
2 with disabilities and all kindergarten through grade
3 12 students across all grade levels it serves.

4 (H) Supervisory aide investments. Each
5 Organizational Unit shall receive the funding needed
6 to cover one FTE for each 225 combined ASE of
7 pre-kindergarten children with disabilities and all
8 kindergarten through grade 5 students, plus one FTE for
9 each 225 ASE middle school students, plus one FTE for
10 each 200 ASE high school students.

11 (I) Librarian investments. Each Organizational
12 Unit shall receive the funding needed to cover one FTE
13 librarian for each prototypical elementary school,
14 middle school, and high school and one FTE aide or
15 media technician for every 300 combined ASE of
16 pre-kindergarten children with disabilities and all
17 kindergarten through grade 12 students.

18 (J) Principal investments. Each Organizational
19 Unit shall receive the funding needed to cover one FTE
20 principal position for each prototypical elementary
21 school, plus one FTE principal position for each
22 prototypical middle school, plus one FTE principal
23 position for each prototypical high school.

24 (K) Assistant principal investments. Each
25 Organizational Unit shall receive the funding needed
26 to cover one FTE assistant principal position for each

1 prototypical elementary school, plus one FTE assistant
2 principal position for each prototypical middle
3 school, plus one FTE assistant principal position for
4 each prototypical high school.

5 (L) School site staff investments. Each
6 Organizational Unit shall receive the funding needed
7 for one FTE position for each 225 ASE of
8 pre-kindergarten children with disabilities and all
9 kindergarten through grade 5 students, plus one FTE
10 position for each 225 ASE middle school students, plus
11 one FTE position for each 200 ASE high school students.

12 (M) Gifted investments. Each Organizational Unit
13 shall receive \$40 per kindergarten through grade 12
14 ASE.

15 (N) Professional development investments. Each
16 Organizational Unit shall receive \$125 per student of
17 the combined ASE of pre-kindergarten children with
18 disabilities and all kindergarten through grade 12
19 students for trainers and other professional
20 development-related expenses for supplies and
21 materials.

22 (O) Instructional material investments. Each
23 Organizational Unit shall receive \$190 per student of
24 the combined ASE of pre-kindergarten children with
25 disabilities and all kindergarten through grade 12
26 students to cover instructional material costs.

1 (P) Assessment investments. Each Organizational
2 Unit shall receive \$25 per student of the combined ASE
3 of pre-kindergarten children with disabilities and all
4 kindergarten through grade 12 students student to
5 cover assessment costs.

6 (Q) Computer technology and equipment investments.
7 Each Organizational Unit shall receive \$285.50 per
8 student of the combined ASE of pre-kindergarten
9 children with disabilities and all kindergarten
10 through grade 12 students to cover computer technology
11 and equipment costs. For the 2018-2019 school year and
12 subsequent school years, Organizational Units assigned
13 to Tier 1 and Tier 2 in the prior school year shall
14 receive an additional \$285.50 per student of the
15 combined ASE of pre-kindergarten children with
16 disabilities and all kindergarten through grade 12
17 students to cover computer technology and equipment
18 costs in the Organization Unit's Adequacy Target. The
19 State Board may establish additional requirements for
20 Organizational Unit expenditures of funds received
21 pursuant to this subparagraph (Q), including a
22 requirement that funds received pursuant to this
23 subparagraph (Q) may be used only for serving the
24 technology needs of the district. It is the intent of
25 this amendatory Act of the 100th General Assembly that
26 all Tier 1 and Tier 2 districts receive the addition to

1 their Adequacy Target in the following year, subject to
2 compliance with the requirements of the State Board.

3 (R) Student activities investments. Each
4 Organizational Unit shall receive the following
5 funding amounts to cover student activities: \$100 per
6 kindergarten through grade 5 ASE student in elementary
7 school, plus \$200 per ASE student in middle school,
8 plus \$675 per ASE student in high school.

9 (S) Maintenance and operations investments. Each
10 Organizational Unit shall receive \$1,038 per student
11 of the combined ASE of pre-kindergarten children with
12 disabilities and all kindergarten through grade 12 for
13 day-to-day maintenance and operations expenditures,
14 including salary, supplies, and materials, as well as
15 purchased services, but excluding employee benefits.
16 The proportion of salary for the application of a
17 Regionalization Factor and the calculation of benefits
18 is equal to \$352.92.

19 (T) Central office investments. Each
20 Organizational Unit shall receive \$742 per student of
21 the combined ASE of pre-kindergarten children with
22 disabilities and all kindergarten through grade 12
23 students to cover central office operations, including
24 administrators and classified personnel charged with
25 managing the instructional programs, business and
26 operations of the school district, and security

1 personnel. The proportion of salary for the
2 application of a Regionalization Factor and the
3 calculation of benefits is equal to \$368.48.

4 (U) Employee benefit investments. Each
5 Organizational Unit shall receive 30% of the total of
6 all salary-calculated elements of the Adequacy Target,
7 excluding substitute teachers and student activities
8 investments, to cover benefit costs. For central
9 office and maintenance and operations investments, the
10 benefit calculation shall be based upon the salary
11 proportion of each investment. If at any time the
12 responsibility for funding the employer normal cost of
13 teacher pensions is assigned to school districts, then
14 that amount certified by the Teachers' Retirement
15 System of the State of Illinois to be paid by the
16 Organizational Unit for the preceding school year
17 shall be added to the benefit investment. For any
18 fiscal year in which a school district organized under
19 Article 34 of this Code is responsible for paying the
20 employer normal cost of teacher pensions, then that
21 amount of its employer normal cost plus the amount for
22 retiree health insurance as certified by the Public
23 School Teachers' Pension and Retirement Fund of
24 Chicago to be paid by the school district for the
25 preceding school year that is statutorily required to
26 cover employer normal costs and the amount for retiree

1 health insurance shall be added to the 30% specified in
2 this subparagraph (U). The Teachers' Retirement System
3 of the State of Illinois and the Public School
4 Teachers' Pension and Retirement Fund of Chicago shall
5 submit such information as the State Superintendent
6 may require for the calculations set forth in this
7 subparagraph (U).

8 (V) Additional investments in low-income students.
9 In addition to and not in lieu of all other funding
10 under this paragraph (2), each Organizational Unit
11 shall receive funding based on the average teacher
12 salary for grades K through 12 to cover the costs of:

13 (i) one FTE intervention teacher (tutor)
14 position for every 125 Low-Income Count students;

15 (ii) one FTE pupil support staff position for
16 every 125 Low-Income Count students;

17 (iii) one FTE extended day teacher position
18 for every 120 Low-Income Count students; and

19 (iv) one FTE summer school teacher position
20 for every 120 Low-Income Count students.

21 (W) Additional investments in English learner
22 students. In addition to and not in lieu of all other
23 funding under this paragraph (2), each Organizational
24 Unit shall receive funding based on the average teacher
25 salary for grades K through 12 to cover the costs of:

26 (i) one FTE intervention teacher (tutor)

1 position for every 125 English learner students;

2 (ii) one FTE pupil support staff position for
3 every 125 English learner students;

4 (iii) one FTE extended day teacher position
5 for every 120 English learner students;

6 (iv) one FTE summer school teacher position
7 for every 120 English learner students; and

8 (v) one FTE core teacher position for every 100
9 English learner students.

10 (X) Special education investments. Each
11 Organizational Unit shall receive funding based on the
12 average teacher salary for grades K through 12 to cover
13 special education as follows:

14 (i) one FTE teacher position for every 141
15 combined ASE of pre-kindergarten children with
16 disabilities and all kindergarten through grade 12
17 students;

18 (ii) one FTE instructional assistant for every
19 141 combined ASE of pre-kindergarten children with
20 disabilities and all kindergarten through grade 12
21 students; and

22 (iii) one FTE psychologist position for every
23 1,000 combined ASE of pre-kindergarten children
24 with disabilities and all kindergarten through
25 grade 12 students.

26 (3) For calculating the salaries included within the

1 Essential Elements, the State Superintendent shall
2 annually calculate average salaries to the nearest dollar
3 using the employment information system data maintained by
4 the State Board, limited to public schools only and
5 excluding special education and vocational cooperatives,
6 schools operated by the Department of Juvenile Justice, and
7 charter schools, for the following positions:

8 (A) Teacher for grades K through 8.

9 (B) Teacher for grades 9 through 12.

10 (C) Teacher for grades K through 12.

11 (D) Guidance counselor for grades K through 8.

12 (E) Guidance counselor for grades 9 through 12.

13 (F) Guidance counselor for grades K through 12.

14 (G) Social worker.

15 (H) Psychologist.

16 (I) Librarian.

17 (J) Nurse.

18 (K) Principal.

19 (L) Assistant principal.

20 For the purposes of this paragraph (3), "teacher"
21 includes core teachers, specialist and elective teachers,
22 instructional facilitators, tutors, special education
23 teachers, pupil support staff teachers, English learner
24 teachers, extended-day teachers, and summer school
25 teachers. Where specific grade data is not required for the
26 Essential Elements, the average salary for corresponding

1 positions shall apply. For substitute teachers, the
2 average teacher salary for grades K through 12 shall apply.

3 For calculating the salaries included within the
4 Essential Elements for positions not included within EIS
5 Data, the following salaries shall be used in the first
6 year of implementation of Evidence-Based Funding:

7 (i) school site staff, \$30,000; and

8 (ii) non-instructional assistant, instructional
9 assistant, library aide, library media tech, or
10 supervisory aide: \$25,000.

11 In the second and subsequent years of implementation of
12 Evidence-Based Funding, the amounts in items (i) and (ii)
13 of this paragraph (3) shall annually increase by the ECI.

14 The salary amounts for the Essential Elements
15 determined pursuant to subparagraphs (A) through (L), (S)
16 and (T), and (V) through (X) of paragraph (2) of subsection
17 (b) of this Section shall be multiplied by a
18 Regionalization Factor.

19 (c) Local capacity calculation.

20 (1) Each Organizational Unit's Local Capacity
21 represents an amount of funding it is assumed to contribute
22 toward its Adequacy Target for purposes of the
23 Evidence-Based Funding formula calculation. "Local
24 Capacity" means either (i) the Organizational Unit's Local
25 Capacity Target as calculated in accordance with paragraph
26 (2) of this subsection (c) if its Real Receipts are equal

1 to or less than its Local Capacity Target or (ii) the
2 Organizational Unit's Adjusted Local Capacity, as
3 calculated in accordance with paragraph (3) of this
4 subsection (c) if Real Receipts are more than its Local
5 Capacity Target.

6 (2) "Local Capacity Target" means, for an
7 Organizational Unit, that dollar amount that is obtained by
8 multiplying its Adequacy Target by its Local Capacity
9 Ratio.

10 (A) An Organizational Unit's Local Capacity
11 Percentage is the conversion of the Organizational
12 Unit's Local Capacity Ratio, as such ratio is
13 determined in accordance with subparagraph (B) of this
14 paragraph (2), into a cumulative distribution
15 resulting in a percentile ranking to determine each
16 Organizational Unit's relative position to all other
17 Organizational Units in this State. The calculation of
18 Local Capacity Percentage is described in subparagraph
19 (C) of this paragraph (2).

20 (B) An Organizational Unit's Local Capacity Ratio
21 in a given year is the percentage obtained by dividing
22 its Adjusted EAV or PTELL EAV, whichever is less, by
23 its Adequacy Target, with the resulting ratio further
24 adjusted as follows:

25 (i) for Organizational Units serving grades
26 kindergarten through 12 and Hybrid Districts, no

1 further adjustments shall be made;

2 (ii) for Organizational Units serving grades
3 kindergarten through 8, the ratio shall be
4 multiplied by 9/13;

5 (iii) for Organizational Units serving grades
6 9 through 12, the Local Capacity Ratio shall be
7 multiplied by 4/13; and

8 (iv) for an Organizational Unit with a
9 different grade configuration than those specified
10 in items (i) through (iii) of this subparagraph
11 (B), the State Superintendent shall determine a
12 comparable adjustment based on the grades served.

13 (C) The Local Capacity Percentage is equal to the
14 percentile ranking of the district. Local Capacity
15 Percentage converts each Organizational Unit's Local
16 Capacity Ratio to a cumulative distribution resulting
17 in a percentile ranking to determine each
18 Organizational Unit's relative position to all other
19 Organizational Units in this State. The Local Capacity
20 Percentage cumulative distribution resulting in a
21 percentile ranking for each Organizational Unit shall
22 be calculated using the standard normal distribution
23 of the score in relation to the weighted mean and
24 weighted standard deviation and Local Capacity Ratios
25 of all Organizational Units. If the value assigned to
26 any Organizational Unit is in excess of 90%, the value

1 shall be adjusted to 90%. For Laboratory Schools, the
2 Local Capacity Percentage shall be set at 10% in
3 recognition of the absence of EAV and resources from
4 the public university that are allocated to the
5 Laboratory School. The weighted mean for the Local
6 Capacity Percentage shall be determined by multiplying
7 each Organizational Unit's Local Capacity Ratio times
8 the ASE for the unit creating a weighted value, summing
9 the weighted values of all Organizational Units, and
10 dividing by the total ASE of all Organizational Units.
11 The weighted standard deviation shall be determined by
12 taking the square root of the weighted variance of all
13 Organizational Units' Local Capacity Ratio, where the
14 variance is calculated by squaring the difference
15 between each unit's Local Capacity Ratio and the
16 weighted mean, then multiplying the variance for each
17 unit times the ASE for the unit to create a weighted
18 variance for each unit, then summing all units'
19 weighted variance and dividing by the total ASE of all
20 units.

21 (D) For any Organizational Unit, the
22 Organizational Unit's Adjusted Local Capacity Target
23 shall be reduced by either (i) the school board's
24 remaining contribution pursuant to paragraph (ii) of
25 subsection (b-4) of Section 16-158 of the Illinois
26 Pension Code in a given year, or (ii) the board of

1 education's remaining contribution pursuant to
2 paragraph (iv) of subsection (b) of Section 17-129 of
3 the Illinois Pension Code absent the employer normal
4 cost portion of the required contribution and amount
5 allowed pursuant to subdivision (3) of Section
6 17-142.1 of the Illinois Pension Code in a given year.
7 In the preceding sentence, item (i) shall be certified
8 to the State Board of Education by the Teachers'
9 Retirement System of the State of Illinois and item
10 (ii) shall be certified to the State Board of Education
11 by the Public School Teachers' Pension and Retirement
12 Fund of the City of Chicago.

13 (3) If an Organizational Unit's Real Receipts are more
14 than its Local Capacity Target, then its Local Capacity
15 shall equal an Adjusted Local Capacity Target as calculated
16 in accordance with this paragraph (3). The Adjusted Local
17 Capacity Target is calculated as the sum of the
18 Organizational Unit's Local Capacity Target and its Real
19 Receipts Adjustment. The Real Receipts Adjustment equals
20 the Organizational Unit's Real Receipts less its Local
21 Capacity Target, with the resulting figure multiplied by
22 the Local Capacity Percentage.

23 As used in this paragraph (3), "Real Percent of
24 Adequacy" means the sum of an Organizational Unit's Real
25 Receipts, CPPRT, and Base Funding Minimum, with the
26 resulting figure divided by the Organizational Unit's

1 Adequacy Target.

2 (d) Calculation of Real Receipts, EAV, and Adjusted EAV for
3 purposes of the Local Capacity calculation.

4 (1) An Organizational Unit's Real Receipts are the
5 product of its Applicable Tax Rate and its Adjusted EAV. An
6 Organizational Unit's Applicable Tax Rate is its Adjusted
7 Operating Tax Rate for property within the Organizational
8 Unit.

9 (2) The State Superintendent shall calculate the
10 Equalized Assessed Valuation, or EAV, of all taxable
11 property of each Organizational Unit as of September 30 of
12 the previous year in accordance with paragraph (3) of this
13 subsection (d). The State Superintendent shall then
14 determine the Adjusted EAV of each Organizational Unit in
15 accordance with paragraph (4) of this subsection (d), which
16 Adjusted EAV figure shall be used for the purposes of
17 calculating Local Capacity.

18 (3) To calculate Real Receipts and EAV, the Department
19 of Revenue shall supply to the State Superintendent the
20 value as equalized or assessed by the Department of Revenue
21 of all taxable property of every Organizational Unit,
22 together with (i) the applicable tax rate used in extending
23 taxes for the funds of the Organizational Unit as of
24 September 30 of the previous year and (ii) the limiting
25 rate for all Organizational Units subject to property tax
26 extension limitations as imposed under PTELL.

1 (A) The Department of Revenue shall add to the
2 equalized assessed value of all taxable property of
3 each Organizational Unit situated entirely or
4 partially within a county that is or was subject to the
5 provisions of Section 15-176 or 15-177 of the Property
6 Tax Code (i) an amount equal to the total amount by
7 which the homestead exemption allowed under Section
8 15-176 or 15-177 of the Property Tax Code for real
9 property situated in that Organizational Unit exceeds
10 the total amount that would have been allowed in that
11 Organizational Unit if the maximum reduction under
12 Section 15-176 was (I) \$4,500 in Cook County or \$3,500
13 in all other counties in tax year 2003 or (II) \$5,000
14 in all counties in tax year 2004 and thereafter and
15 (ii) an amount equal to the aggregate amount for the
16 taxable year of all additional exemptions under
17 Section 15-175 of the Property Tax Code for owners with
18 a household income of \$30,000 or less. The county clerk
19 of any county that is or was subject to the provisions
20 of Section 15-176 or 15-177 of the Property Tax Code
21 shall annually calculate and certify to the Department
22 of Revenue for each Organizational Unit all homestead
23 exemption amounts under Section 15-176 or 15-177 of the
24 Property Tax Code and all amounts of additional
25 exemptions under Section 15-175 of the Property Tax
26 Code for owners with a household income of \$30,000 or

1 less. It is the intent of this subparagraph (A) that if
2 the general homestead exemption for a parcel of
3 property is determined under Section 15-176 or 15-177
4 of the Property Tax Code rather than Section 15-175,
5 then the calculation of EAV shall not be affected by
6 the difference, if any, between the amount of the
7 general homestead exemption allowed for that parcel of
8 property under Section 15-176 or 15-177 of the Property
9 Tax Code and the amount that would have been allowed
10 had the general homestead exemption for that parcel of
11 property been determined under Section 15-175 of the
12 Property Tax Code. It is further the intent of this
13 subparagraph (A) that if additional exemptions are
14 allowed under Section 15-175 of the Property Tax Code
15 for owners with a household income of less than
16 \$30,000, then the calculation of EAV shall not be
17 affected by the difference, if any, because of those
18 additional exemptions.

19 (B) With respect to any part of an Organizational
20 Unit within a redevelopment project area in respect to
21 which a municipality has adopted tax increment
22 allocation financing pursuant to the Tax Increment
23 Allocation Redevelopment Act, Division 74.4 of Article
24 11 of the Illinois Municipal Code, or the Industrial
25 Jobs Recovery Law, Division 74.6 of Article 11 of the
26 Illinois Municipal Code, no part of the current EAV of

1 real property located in any such project area which is
2 attributable to an increase above the total initial EAV
3 of such property shall be used as part of the EAV of
4 the Organizational Unit, until such time as all
5 redevelopment project costs have been paid, as
6 provided in Section 11-74.4-8 of the Tax Increment
7 Allocation Redevelopment Act or in Section 11-74.6-35
8 of the Industrial Jobs Recovery Law. For the purpose of
9 the EAV of the Organizational Unit, the total initial
10 EAV or the current EAV, whichever is lower, shall be
11 used until such time as all redevelopment project costs
12 have been paid.

13 (B-5) The real property equalized assessed
14 valuation for a school district shall be adjusted by
15 subtracting from the real property value, as equalized
16 or assessed by the Department of Revenue, for the
17 district an amount computed by dividing the amount of
18 any abatement of taxes under Section 18-170 of the
19 Property Tax Code by 3.00% for a district maintaining
20 grades kindergarten through 12, by 2.30% for a district
21 maintaining grades kindergarten through 8, or by 1.05%
22 for a district maintaining grades 9 through 12 and
23 adjusted by an amount computed by dividing the amount
24 of any abatement of taxes under subsection (a) of
25 Section 18-165 of the Property Tax Code by the same
26 percentage rates for district type as specified in this

1 subparagraph (B-5).

2 (C) For Organizational Units that are Hybrid
3 Districts, the State Superintendent shall use the
4 lesser of the adjusted equalized assessed valuation
5 for property within the partial elementary unit
6 district for elementary purposes, as defined in
7 Article 11E of this Code, or the adjusted equalized
8 assessed valuation for property within the partial
9 elementary unit district for high school purposes, as
10 defined in Article 11E of this Code.

11 (4) An Organizational Unit's Adjusted EAV shall be the
12 average of its EAV over the immediately preceding 3 years
13 or its EAV in the immediately preceding year if the EAV in
14 the immediately preceding year has declined by 10% or more
15 compared to the 3-year average. In the event of
16 Organizational Unit reorganization, consolidation, or
17 annexation, the Organizational Unit's Adjusted EAV for the
18 first 3 years after such change shall be as follows: the
19 most current EAV shall be used in the first year, the
20 average of a 2-year EAV or its EAV in the immediately
21 preceding year if the EAV declines by 10% or more compared
22 to the 2-year average for the second year, and a 3-year
23 average EAV or its EAV in the immediately preceding year if
24 the adjusted EAV declines by 10% or more compared to the
25 3-year average for the third year. For any school district
26 whose EAV in the immediately preceding year is used in

1 calculations, in the following year, the Adjusted EAV shall
2 be the average of its EAV over the immediately preceding 2
3 years or the immediately preceding year if that year
4 represents a decline of 10% or more compared to the 2-year
5 average.

6 "PTELL EAV" means a figure calculated by the State
7 Board for Organizational Units subject to PTELL as
8 described in this paragraph (4) for the purposes of
9 calculating an Organizational Unit's Local Capacity Ratio.
10 Except as otherwise provided in this paragraph (4), the
11 PTELL EAV of an Organizational Unit shall be equal to the
12 product of the equalized assessed valuation last used in
13 the calculation of general State aid under Section 18-8.05
14 of this Code (now repealed) or Evidence-Based Funding under
15 this Section and the Organizational Unit's Extension
16 Limitation Ratio. If an Organizational Unit has approved or
17 does approve an increase in its limiting rate, pursuant to
18 Section 18-190 of the Property Tax Code, affecting the Base
19 Tax Year, the PTELL EAV shall be equal to the product of
20 the equalized assessed valuation last used in the
21 calculation of general State aid under Section 18-8.05 of
22 this Code (now repealed) or Evidence-Based Funding under
23 this Section multiplied by an amount equal to one plus the
24 percentage increase, if any, in the Consumer Price Index
25 for All Urban Consumers for all items published by the
26 United States Department of Labor for the 12-month calendar

1 year preceding the Base Tax Year, plus the equalized
2 assessed valuation of new property, annexed property, and
3 recovered tax increment value and minus the equalized
4 assessed valuation of disconnected property.

5 As used in this paragraph (4), "new property" and
6 "recovered tax increment value" shall have the meanings set
7 forth in the Property Tax Extension Limitation Law.

8 (e) Base Funding Minimum calculation.

9 (1) For the 2017-2018 school year, the Base Funding
10 Minimum of an Organizational Unit or a Specially Funded
11 Unit shall be the amount of State funds distributed to the
12 Organizational Unit or Specially Funded Unit during the
13 2016-2017 school year prior to any adjustments and
14 specified appropriation amounts described in this
15 paragraph (1) from the following Sections, as calculated by
16 the State Superintendent: Section 18-8.05 of this Code (now
17 repealed); Section 5 of Article 224 of Public Act 99-524
18 (equity grants); Section 14-7.02b of this Code (funding for
19 children requiring special education services); Section
20 14-13.01 of this Code (special education facilities and
21 staffing), except for reimbursement of the cost of
22 transportation pursuant to Section 14-13.01; Section
23 14C-12 of this Code (English learners); and Section 18-4.3
24 of this Code (summer school), based on an appropriation
25 level of \$13,121,600. For a school district organized under
26 Article 34 of this Code, the Base Funding Minimum also

1 includes (i) the funds allocated to the school district
2 pursuant to Section 1D-1 of this Code attributable to
3 funding programs authorized by the Sections of this Code
4 listed in the preceding sentence; and (ii) the difference
5 between (I) the funds allocated to the school district
6 pursuant to Section 1D-1 of this Code attributable to the
7 funding programs authorized by Section 14-7.02 (non-public
8 special education reimbursement), subsection (b) of
9 Section 14-13.01 (special education transportation),
10 Section 29-5 (transportation), Section 2-3.80
11 (agricultural education), Section 2-3.66 (truants'
12 alternative education), Section 2-3.62 (educational
13 service centers), and Section 14-7.03 (special education -
14 orphanage) of this Code and Section 15 of the Childhood
15 Hunger Relief Act (free breakfast program) and (II) the
16 school district's actual expenditures for its non-public
17 special education, special education transportation,
18 transportation programs, agricultural education, truants'
19 alternative education, services that would otherwise be
20 performed by a regional office of education, special
21 education orphanage expenditures, and free breakfast, as
22 most recently calculated and reported pursuant to
23 subsection (f) of Section 1D-1 of this Code. The Base
24 Funding Minimum for Glenwood Academy shall be \$625,500.

25 (2) For the 2018-2019 and subsequent school years, the
26 Base Funding Minimum of Organizational Units and Specially

1 Funded Units shall be the sum of (i) the amount of
2 Evidence-Based Funding for the prior school year, (ii) the
3 Base Funding Minimum for the prior school year, and (iii)
4 any amount received by a school district pursuant to
5 Section 7 of Article 97 of Public Act 100-21.

6 (f) Percent of Adequacy and Final Resources calculation.

7 (1) The Evidence-Based Funding formula establishes a
8 Percent of Adequacy for each Organizational Unit in order
9 to place such units into tiers for the purposes of the
10 funding distribution system described in subsection (g) of
11 this Section. Initially, an Organizational Unit's
12 Preliminary Resources and Preliminary Percent of Adequacy
13 are calculated pursuant to paragraph (2) of this subsection
14 (f). Then, an Organizational Unit's Final Resources and
15 Final Percent of Adequacy are calculated to account for the
16 Organizational Unit's poverty concentration levels
17 pursuant to paragraphs (3) and (4) of this subsection (f).

18 (2) An Organizational Unit's Preliminary Resources are
19 equal to the sum of its Local Capacity Target, CPPRT, and
20 Base Funding Minimum. An Organizational Unit's Preliminary
21 Percent of Adequacy is the lesser of (i) its Preliminary
22 Resources divided by its Adequacy Target or (ii) 100%.

23 (3) Except for Specially Funded Units, an
24 Organizational Unit's Final Resources are equal the sum of
25 its Local Capacity, CPPRT, and Adjusted Base Funding
26 Minimum. The Base Funding Minimum of each Specially Funded

1 Unit shall serve as its Final Resources, except that the
2 Base Funding Minimum for State-approved charter schools
3 shall not include any portion of general State aid
4 allocated in the prior year based on the per capita tuition
5 charge times the charter school enrollment.

6 (4) An Organizational Unit's Final Percent of Adequacy
7 is its Final Resources divided by its Adequacy Target. An
8 Organizational Unit's Adjusted Base Funding Minimum is
9 equal to its Base Funding Minimum less its Supplemental
10 Grant Funding, with the resulting figure added to the
11 product of its Supplemental Grant Funding and Preliminary
12 Percent of Adequacy.

13 (g) Evidence-Based Funding formula distribution system.

14 (1) In each school year under the Evidence-Based
15 Funding formula, each Organizational Unit receives funding
16 equal to the sum of its Base Funding Minimum and the unit's
17 allocation of New State Funds determined pursuant to this
18 subsection (g). To allocate New State Funds, the
19 Evidence-Based Funding formula distribution system first
20 places all Organizational Units into one of 4 tiers in
21 accordance with paragraph (3) of this subsection (g), based
22 on the Organizational Unit's Final Percent of Adequacy. New
23 State Funds are allocated to each of the 4 tiers as
24 follows: Tier 1 Aggregate Funding equals 50% of all New
25 State Funds, Tier 2 Aggregate Funding equals 49% of all New
26 State Funds, Tier 3 Aggregate Funding equals 0.9% of all

1 New State Funds, and Tier 4 Aggregate Funding equals 0.1%
2 of all New State Funds. Each Organizational Unit within
3 Tier 1 or Tier 2 receives an allocation of New State Funds
4 equal to its tier Funding Gap, as defined in the following
5 sentence, multiplied by the tier's Allocation Rate
6 determined pursuant to paragraph (4) of this subsection
7 (g). For Tier 1, an Organizational Unit's Funding Gap
8 equals the tier's Target Ratio, as specified in paragraph
9 (5) of this subsection (g), multiplied by the
10 Organizational Unit's Adequacy Target, with the resulting
11 amount reduced by the Organizational Unit's Final
12 Resources. For Tier 2, an Organizational Unit's Funding Gap
13 equals the tier's Target Ratio, as described in paragraph
14 (5) of this subsection (g), multiplied by the
15 Organizational Unit's Adequacy Target, with the resulting
16 amount reduced by the Organizational Unit's Final
17 Resources and its Tier 1 funding allocation. To determine
18 the Organizational Unit's Funding Gap, the resulting
19 amount is then multiplied by a factor equal to one minus
20 the Organizational Unit's Local Capacity Target
21 percentage. Each Organizational Unit within Tier 3 or Tier
22 4 receives an allocation of New State Funds equal to the
23 product of its Adequacy Target and the tier's Allocation
24 Rate, as specified in paragraph (4) of this subsection (g).

25 (2) To ensure equitable distribution of dollars for all
26 Tier 2 Organizational Units, no Tier 2 Organizational Unit

1 shall receive fewer dollars per ASE than any Tier 3
2 Organizational Unit. Each Tier 2 and Tier 3 Organizational
3 Unit shall have its funding allocation divided by its ASE.
4 Any Tier 2 Organizational Unit with a funding allocation
5 per ASE below the greatest Tier 3 allocation per ASE shall
6 get a funding allocation equal to the greatest Tier 3
7 funding allocation per ASE multiplied by the
8 Organizational Unit's ASE. Each Tier 2 Organizational
9 Unit's Tier 2 funding allocation shall be multiplied by the
10 percentage calculated by dividing the original Tier 2
11 Aggregate Funding by the sum of all Tier 2 Organizational
12 Unit's Tier 2 funding allocation after adjusting
13 districts' funding below Tier 3 levels.

14 (3) Organizational Units are placed into one of 4 tiers
15 as follows:

16 (A) Tier 1 consists of all Organizational Units,
17 except for Specially Funded Units, with a Percent of
18 Adequacy less than the Tier 1 Target Ratio. The Tier 1
19 Target Ratio is the ratio level that allows for Tier 1
20 Aggregate Funding to be distributed, with the Tier 1
21 Allocation Rate determined pursuant to paragraph (4)
22 of this subsection (g).

23 (B) Tier 2 consists of all Tier 1 Units and all
24 other Organizational Units, except for Specially
25 Funded Units, with a Percent of Adequacy of less than
26 0.90.

1 (C) Tier 3 consists of all Organizational Units,
2 except for Specially Funded Units, with a Percent of
3 Adequacy of at least 0.90 and less than 1.0.

4 (D) Tier 4 consists of all Organizational Units
5 with a Percent of Adequacy of at least 1.0.

6 (4) The Allocation Rates for Tiers 1 through 4 is
7 determined as follows:

8 (A) The Tier 1 Allocation Rate is 30%.

9 (B) The Tier 2 Allocation Rate is the result of the
10 following equation: Tier 2 Aggregate Funding, divided
11 by the sum of the Funding Gaps for all Tier 2
12 Organizational Units, unless the result of such
13 equation is higher than 1.0. If the result of such
14 equation is higher than 1.0, then the Tier 2 Allocation
15 Rate is 1.0.

16 (C) The Tier 3 Allocation Rate is the result of the
17 following equation: Tier 3 Aggregate Funding, divided
18 by the sum of the Adequacy Targets of all Tier 3
19 Organizational Units.

20 (D) The Tier 4 Allocation Rate is the result of the
21 following equation: Tier 4 Aggregate Funding, divided
22 by the sum of the Adequacy Targets of all Tier 4
23 Organizational Units.

24 (5) A tier's Target Ratio is determined as follows:

25 (A) The Tier 1 Target Ratio is the ratio level that
26 allows for Tier 1 Aggregate Funding to be distributed

1 with the Tier 1 Allocation Rate.

2 (B) The Tier 2 Target Ratio is 0.90.

3 (C) The Tier 3 Target Ratio is 1.0.

4 (6) If, at any point, the Tier 1 Target Ratio is
5 greater than 90%, than all Tier 1 funding shall be
6 allocated to Tier 2 and no Tier 1 Organizational Unit's
7 funding may be identified.

8 (7) In the event that all Tier 2 Organizational Units
9 receive funding at the Tier 2 Target Ratio level, any
10 remaining New State Funds shall be allocated to Tier 3 and
11 Tier 4 Organizational Units.

12 (8) If any Specially Funded Units, excluding Glenwood
13 Academy, recognized by the State Board do not qualify for
14 direct funding following the implementation of this
15 amendatory Act of the 100th General Assembly from any of
16 the funding sources included within the definition of Base
17 Funding Minimum, the unqualified portion of the Base
18 Funding Minimum shall be transferred to one or more
19 appropriate Organizational Units as determined by the
20 State Superintendent based on the prior year ASE of the
21 Organizational Units.

22 (8.5) If a school district withdraws from a special
23 education cooperative, the portion of the Base Funding
24 Minimum that is attributable to the school district may be
25 redistributed to the school district upon withdrawal. The
26 school district and the cooperative must include the amount

1 of the Base Funding Minimum that is to be re-apportioned in
2 their withdrawal agreement and notify the State Board of
3 the change with a copy of the agreement upon withdrawal.

4 (9) The Minimum Funding Level is intended to establish
5 a target for State funding that will keep pace with
6 inflation and continue to advance equity through the
7 Evidence-Based Funding formula. The target for State
8 funding of New Property Tax Relief Pool Funds is
9 \$50,000,000 for State fiscal year 2019 and subsequent State
10 fiscal years. The Minimum Funding Level is equal to
11 \$350,000,000. In addition to any New State Funds, no more
12 than \$50,000,000 New Property Tax Relief Pool Funds may be
13 counted towards the Minimum Funding Level. If the sum of
14 New State Funds and applicable New Property Tax Relief Pool
15 Funds are less than the Minimum Funding Level, than funding
16 for tiers shall be reduced in the following manner:

17 (A) First, Tier 4 funding shall be reduced by an
18 amount equal to the difference between the Minimum
19 Funding Level and New State Funds until such time as
20 Tier 4 funding is exhausted.

21 (B) Next, Tier 3 funding shall be reduced by an
22 amount equal to the difference between the Minimum
23 Funding Level and New State Funds and the reduction in
24 Tier 4 funding until such time as Tier 3 funding is
25 exhausted.

26 (C) Next, Tier 2 funding shall be reduced by an

1 amount equal to the difference between the Minimum
2 Funding level and new State Funds and the reduction
3 Tier 4 and Tier 3.

4 (D) Finally, Tier 1 funding shall be reduced by an
5 amount equal to the difference between the Minimum
6 Funding level and New State Funds and the reduction in
7 Tier 2, 3, and 4 funding. In addition, the Allocation
8 Rate for Tier 1 shall be reduced to a percentage equal
9 to the Tier 1 allocation rate set by paragraph (4) of
10 this subsection (g), multiplied by the result of New
11 State Funds divided by the Minimum Funding Level.

12 (9.5) For State fiscal year 2019 and subsequent State
13 fiscal years, if New State Funds exceed \$300,000,000, then
14 any amount in excess of \$300,000,000 shall be dedicated for
15 purposes of Section 2-3.170 of this Code up to a maximum of
16 \$50,000,000.

17 (10) In the event of a decrease in the amount of the
18 appropriation for this Section in any fiscal year after
19 implementation of this Section, the Organizational Units
20 receiving Tier 1 and Tier 2 funding, as determined under
21 paragraph (3) of this subsection (g), shall be held
22 harmless by establishing a Base Funding Guarantee equal to
23 the per pupil kindergarten through grade 12 funding
24 received in accordance with this Section in the prior
25 fiscal year. Reductions shall be made to the Base Funding
26 Minimum of Organizational Units in Tier 3 and Tier 4 on a

1 per pupil basis equivalent to the total number of the ASE
2 in Tier 3-funded and Tier 4-funded Organizational Units
3 divided by the total reduction in State funding. The Base
4 Funding Minimum as reduced shall continue to be applied to
5 Tier 3 and Tier 4 Organizational Units and adjusted by the
6 relative formula when increases in appropriations for this
7 Section resume. In no event may State funding reductions to
8 Organizational Units in Tier 3 or Tier 4 exceed an amount
9 that would be less than the Base Funding Minimum
10 established in the first year of implementation of this
11 Section. If additional reductions are required, all school
12 districts shall receive a reduction by a per pupil amount
13 equal to the aggregate additional appropriation reduction
14 divided by the total ASE of all Organizational Units.

15 (11) The State Superintendent shall make minor
16 adjustments to the distribution formula set forth in this
17 subsection (g) to account for the rounding of percentages
18 to the nearest tenth of a percentage and dollar amounts to
19 the nearest whole dollar.

20 (h) State Superintendent administration of funding and
21 district submission requirements.

22 (1) The State Superintendent shall, in accordance with
23 appropriations made by the General Assembly, meet the
24 funding obligations created under this Section.

25 (2) The State Superintendent shall calculate the
26 Adequacy Target for each Organizational Unit and Net State

1 Contribution Target for each Organizational Unit under
2 this Section. ~~The State Superintendent shall also certify~~
3 ~~the actual amounts of the New State Funds payable for each~~
4 ~~eligible Organizational Unit based on the equitable~~
5 ~~distribution calculation to the unit's treasurer, as soon~~
6 ~~as possible after such amounts are calculated, including~~
7 ~~any applicable adjusted charge off increase.~~ No
8 Evidence-Based Funding shall be distributed within an
9 Organizational Unit without the approval of the unit's
10 school board.

11 (3) Annually, the State Superintendent shall calculate
12 and report to each Organizational Unit the unit's aggregate
13 financial adequacy amount, which shall be the sum of the
14 Adequacy Target for each Organizational Unit. The State
15 Superintendent shall calculate and report separately for
16 each Organizational Unit the unit's total State funds
17 allocated for its students with disabilities. The State
18 Superintendent shall calculate and report separately for
19 each Organizational Unit the amount of funding and
20 applicable FTE calculated for each Essential Element of the
21 unit's Adequacy Target.

22 (4) Annually, the State Superintendent shall calculate
23 and report to each Organizational Unit the amount the unit
24 must expend on special education and bilingual education
25 and computer technology and equipment for Organizational
26 Units assigned to Tier 1 or Tier 2 that received an

1 additional \$285.50 per student computer technology and
2 equipment investment grant to their Adequacy Target
3 pursuant to the unit's Base Funding Minimum, Special
4 Education Allocation, Bilingual Education Allocation, and
5 computer technology and equipment investment allocation.

6 (5) Moneys distributed under this Section shall be
7 calculated on a school year basis, but paid on a fiscal
8 year basis, with payments beginning in August and extending
9 through June. Unless otherwise provided, the moneys
10 appropriated for each fiscal year shall be distributed in
11 22 equal payments at least 2 times monthly to each
12 Organizational Unit. ~~The State Board shall publish a yearly~~
13 ~~distribution schedule at its meeting in June.~~ If moneys
14 appropriated for any fiscal year are distributed other than
15 monthly, the distribution shall be on the same basis for
16 each Organizational Unit.

17 (6) Any school district that fails, for any given
18 school year, to maintain school as required by law or to
19 maintain a recognized school is not eligible to receive
20 Evidence-Based Funding. In case of non-recognition of one
21 or more attendance centers in a school district otherwise
22 operating recognized schools, the claim of the district
23 shall be reduced in the proportion that the enrollment in
24 the attendance center or centers bears to the enrollment of
25 the school district. "Recognized school" means any public
26 school that meets the standards for recognition by the

1 State Board. A school district or attendance center not
2 having recognition status at the end of a school term is
3 entitled to receive State aid payments due upon a legal
4 claim that was filed while it was recognized.

5 (7) School district claims filed under this Section are
6 subject to Sections 18-9 and 18-12 of this Code, except as
7 otherwise provided in this Section.

8 (8) Each fiscal year, the State Superintendent shall
9 calculate for each Organizational Unit an amount of its
10 Base Funding Minimum and Evidence-Based Funding that shall
11 be deemed attributable to the provision of special
12 educational facilities and services, as defined in Section
13 14-1.08 of this Code, in a manner that ensures compliance
14 with maintenance of State financial support requirements
15 under the federal Individuals with Disabilities Education
16 Act. An Organizational Unit must use such funds only for
17 the provision of special educational facilities and
18 services, as defined in Section 14-1.08 of this Code, and
19 must comply with any expenditure verification procedures
20 adopted by the State Board.

21 (9) All Organizational Units in this State must submit
22 annual spending plans by the end of September of each year
23 to the State Board as part of the annual budget process,
24 which shall describe how each Organizational Unit will
25 utilize the Base Minimum Funding and Evidence-Based
26 funding it receives from this State under this Section with

1 specific identification of the intended utilization of
2 Low-Income, English learner, and special education
3 resources. Additionally, the annual spending plans of each
4 Organizational Unit shall describe how the Organizational
5 Unit expects to achieve student growth and how the
6 Organizational Unit will achieve State education goals, as
7 defined by the State Board. The State Superintendent may,
8 from time to time, identify additional requisites for
9 Organizational Units to satisfy when compiling the annual
10 spending plans required under this subsection (h). The
11 format and scope of annual spending plans shall be
12 developed by the State Superintendent in conjunction with
13 the Professional Review Panel. School districts that serve
14 students under Article 14C of this Code shall continue to
15 submit information as required under Section 14C-12 of this
16 Code.

17 (10) No later than January 1, 2018, the State
18 Superintendent shall develop a 5-year strategic plan for
19 all Organizational Units to help in planning for adequacy
20 funding under this Section. The State Superintendent shall
21 submit the plan to the Governor and the General Assembly,
22 as provided in Section 3.1 of the General Assembly
23 Organization Act. The plan shall include recommendations
24 for:

25 (A) a framework for collaborative, professional,
26 innovative, and 21st century learning environments

1 using the Evidence-Based Funding model;

2 (B) ways to prepare and support this State's
3 educators for successful instructional careers;

4 (C) application and enhancement of the current
5 financial accountability measures, the approved State
6 plan to comply with the federal Every Student Succeeds
7 Act, and the Illinois Balanced Accountability Measures
8 in relation to student growth and elements of the
9 Evidence-Based Funding model; and

10 (D) implementation of an effective school adequacy
11 funding system based on projected and recommended
12 funding levels from the General Assembly.

13 (i) Professional Review Panel.

14 (1) A Professional Review Panel is created to study and
15 review the implementation and effect of the Evidence-Based
16 Funding model under this Section and to recommend continual
17 recalibration and future study topics and modifications to
18 the Evidence-Based Funding model. The Panel shall elect a
19 chairperson and vice chairperson by a majority vote of the
20 Panel and shall advance recommendations based on a majority
21 vote of the Panel. A minority opinion may also accompany
22 any recommendation of the majority of the Panel. The Panel
23 shall be appointed by the State Superintendent, except as
24 otherwise provided in paragraph (2) of this subsection (i)
25 and include the following members:

26 (A) Two appointees that represent district

1 superintendents, recommended by a statewide
2 organization that represents district superintendents.

3 (B) Two appointees that represent school boards,
4 recommended by a statewide organization that
5 represents school boards.

6 (C) Two appointees from districts that represent
7 school business officials, recommended by a statewide
8 organization that represents school business
9 officials.

10 (D) Two appointees that represent school
11 principals, recommended by a statewide organization
12 that represents school principals.

13 (E) Two appointees that represent teachers,
14 recommended by a statewide organization that
15 represents teachers.

16 (F) Two appointees that represent teachers,
17 recommended by another statewide organization that
18 represents teachers.

19 (G) Two appointees that represent regional
20 superintendents of schools, recommended by
21 organizations that represent regional superintendents.

22 (H) Two independent experts selected solely by the
23 State Superintendent.

24 (I) Two independent experts recommended by public
25 universities in this State.

26 (J) One member recommended by a statewide

1 organization that represents parents.

2 (K) Two representatives recommended by collective
3 impact organizations that represent major metropolitan
4 areas or geographic areas in Illinois.

5 (L) One member from a statewide organization
6 focused on research-based education policy to support
7 a school system that prepares all students for college,
8 a career, and democratic citizenship.

9 (M) One representative from a school district
10 organized under Article 34 of this Code.

11 The State Superintendent shall ensure that the
12 membership of the Panel includes representatives from
13 school districts and communities reflecting the
14 geographic, socio-economic, racial, and ethnic diversity
15 of this State. The State Superintendent shall additionally
16 ensure that the membership of the Panel includes
17 representatives with expertise in bilingual education and
18 special education. Staff from the State Board shall staff
19 the Panel.

20 (2) In addition to those Panel members appointed by the
21 State Superintendent, 4 members of the General Assembly
22 shall be appointed as follows: one member of the House of
23 Representatives appointed by the Speaker of the House of
24 Representatives, one member of the Senate appointed by the
25 President of the Senate, one member of the House of
26 Representatives appointed by the Minority Leader of the

1 House of Representatives, and one member of the Senate
2 appointed by the Minority Leader of the Senate. There shall
3 be one additional member appointed by the Governor. All
4 members appointed by legislative leaders or the Governor
5 shall be non-voting, ex officio members.

6 (3) On an annual basis, the State Superintendent shall
7 recalibrate the following per pupil elements of the
8 Adequacy Target and applied to the formulas, based on the
9 Panel's study of average expenses as reported in the most
10 recent annual financial report:

11 (A) gifted under subparagraph (M) of paragraph (2)
12 of subsection (b) of this Section;

13 (B) instructional materials under subparagraph (O)
14 of paragraph (2) of subsection (b) of this Section;

15 (C) assessment under subparagraph (P) of paragraph
16 (2) of subsection (b) of this Section;

17 (D) student activities under subparagraph (R) of
18 paragraph (2) of subsection (b) of this Section;

19 (E) maintenance and operations under subparagraph
20 (S) of paragraph (2) of subsection (b) of this Section;
21 and

22 (F) central office under subparagraph (T) of
23 paragraph (2) of subsection (b) of this Section.

24 (4) On a periodic basis, the Panel shall study all the
25 following elements and make recommendations to the State
26 Board, the General Assembly, and the Governor for

1 modification of this Section:

2 (A) The format and scope of annual spending plans
3 referenced in paragraph (9) of subsection (h) of this
4 Section.

5 (B) The Comparable Wage Index under this Section,
6 to be studied by the Panel and reestablished by the
7 State Superintendent every 5 years.

8 (C) Maintenance and operations. Within 5 years
9 after the implementation of this Section, the Panel
10 shall make recommendations for the further study of
11 maintenance and operations costs, including capital
12 maintenance costs, and recommend any additional
13 reporting data required from Organizational Units.

14 (D) "At-risk student" definition. Within 5 years
15 after the implementation of this Section, the Panel
16 shall make recommendations for the further study and
17 determination of an "at-risk student" definition.
18 Within 5 years after the implementation of this
19 Section, the Panel shall evaluate and make
20 recommendations regarding adequate funding for poverty
21 concentration under the Evidence-Based Funding model.

22 (E) Benefits. Within 5 years after the
23 implementation of this Section, the Panel shall make
24 recommendations for further study of benefit costs.

25 (F) Technology. The per pupil target for
26 technology shall be reviewed every 3 years to determine

1 whether current allocations are sufficient to develop
2 21st century learning in all classrooms in this State
3 and supporting a one-to-one technological device
4 program in each school. Recommendations shall be made
5 no later than 3 years after the implementation of this
6 Section.

7 (G) Local Capacity Target. Within 3 years after the
8 implementation of this Section, the Panel shall make
9 recommendations for any additional data desired to
10 analyze possible modifications to the Local Capacity
11 Target, to be based on measures in addition to solely
12 EAV and to be completed within 5 years after
13 implementation of this Section.

14 (H) Funding for Alternative Schools, Laboratory
15 Schools, safe schools, and alternative learning
16 opportunities programs. By the beginning of the
17 2021-2022 school year, the Panel shall study and make
18 recommendations regarding the funding levels for
19 Alternative Schools, Laboratory Schools, safe schools,
20 and alternative learning opportunities programs in
21 this State.

22 (I) Funding for college and career acceleration
23 strategies. By the beginning of the 2021-2022 school
24 year, the Panel shall study and make recommendations
25 regarding funding levels to support college and career
26 acceleration strategies in high school that have been

1 demonstrated to result in improved secondary and
2 postsecondary outcomes, including Advanced Placement,
3 dual-credit opportunities, and college and career
4 pathway systems.

5 (J) Special education investments. By the
6 beginning of the 2021-2022 school year, the Panel shall
7 study and make recommendations on whether and how to
8 account for disability types within the special
9 education funding category.

10 (K) Early childhood investments. In collaboration
11 with the Illinois Early Learning Council, the Panel
12 shall include an analysis of what level of Preschool
13 for All Children funding would be necessary to serve
14 all children ages 0 through 5 years in the
15 highest-priority service tier, as specified in
16 paragraph (4.5) of subsection (a) of Section 2-3.71 of
17 this Code, and an analysis of the potential cost
18 savings that that level of Preschool for All Children
19 investment would have on the kindergarten through
20 grade 12 system.

21 (5) Within 5 years after the implementation of this
22 Section, the Panel shall complete an evaluative study of
23 the entire Evidence-Based Funding model, including an
24 assessment of whether or not the formula is achieving State
25 goals. The Panel shall report to the State Board, the
26 General Assembly, and the Governor on the findings of the

1 study.

2 (6) Within 3 years after the implementation of this
3 Section, the Panel shall evaluate and provide
4 recommendations to the Governor and the General Assembly on
5 the hold-harmless provisions of this Section found in the
6 Base Funding Minimum.

7 (j) References. Beginning July 1, 2017, references in other
8 laws to general State aid funds or calculations under Section
9 18-8.05 of this Code (now repealed) shall be deemed to be
10 references to evidence-based model formula funds or
11 calculations under this Section.

12 (Source: P.A. 100-465, eff. 8-31-17; 100-578, eff. 1-31-18;
13 100-582, eff. 3-23-18.)

14 (105 ILCS 5/28-1) (from Ch. 122, par. 28-1)

15 Sec. 28-1. Copies and prices filed - Bond. No publisher or
16 retail dealer ~~person~~ shall offer any school instructional
17 materials for adoption, sale, or exchange in the State until it
18 ~~he~~ has complied with the following conditions:

19 1. The publisher or retail dealer shall publish on its
20 website by July 15 each year a sworn statement ~~He shall file~~
21 ~~with the State Board of Education, annually, by July 15, a~~
22 ~~sworn statement~~ of the usual list price, the lowest net
23 wholesale price, and the lowest net exchange price at which the
24 material is sold or exchanged for old material on the same
25 subject of like grade and kind but of a different series taken

1 in part payment thereof.

2 2. The publisher or retail dealer shall obtain ~~He shall~~
3 ~~file with the State Board of Education~~ a bond payable to the
4 People of the State of Illinois with a surety company
5 authorized to do business in the State of Illinois as surety
6 thereon, ~~in a penal sum to be determined by the State Board of~~
7 ~~Education,~~ of not less than \$2,000 ~~\$2000~~ nor more than \$10,000
8 conditioned as follows:

9 (a) That the publisher or retail dealer ~~he~~ will furnish
10 annually any of the materials listed on the sworn statement on
11 its website ~~in any annual statement filed by him~~ to any school
12 district and any school corporation in this State at the lowest
13 net prices contained in the statements and that it ~~he~~ will
14 maintain said prices uniformly throughout the State.

15 (b) That the publisher or retail dealer ~~he~~ will reduce such
16 net prices in Illinois whenever they are reduced elsewhere in
17 the United States, and shall publish on its website ~~that he~~
18 ~~will file with the State Board of Education~~ a sworn statement
19 of reductions made elsewhere, so that at no time shall any
20 instructional material so filed and listed by the publisher or
21 retail dealer ~~him~~ be sold in this State at a higher net price
22 than is received for such material elsewhere in the United
23 States.

24 (c) The publisher or retail dealer ~~He~~ shall not enter into
25 any understanding, agreement or combination to control the
26 prices or to restrict competition in the sale of instructional

1 materials.

2 (Source: P.A. 81-1508.)

3 (105 ILCS 5/28-4) (from Ch. 122, par. 28-4)

4 Sec. 28-4. Notice of violations - Proceedings for
5 forfeiture of bond. The school board of each district wherein
6 the instructional materials listed under the provisions of this
7 Article have been adopted shall notify the State Board of
8 Education of any violation of any of the conditions contained
9 in said bond. The State Board of Education may ~~shall~~ thereupon
10 notify the person guilty of the violation and if such person
11 disregards the notification and fails to comply with the
12 requirements of the contract, the State Board of Education may
13 ~~shall~~ institute legal proceedings for the forfeiture of the
14 bond.

15 (Source: P.A. 81-1508.)

16 (105 ILCS 5/28-7) (from Ch. 122, par. 28-7)

17 Sec. 28-7. Retail prices of books. It is unlawful for any
18 retail dealer in textbooks to sell any books listed on the
19 sworn statement published on the retail dealer's website ~~with~~
20 ~~the State Board of Education~~ at a price to exceed a 15% advance
21 on the net prices as so listed.

22 (Source: P.A. 81-1508.)

23 (105 ILCS 5/28-8) (from Ch. 122, par. 28-8)

1 Sec. 28-8. Purchase by districts for resale at cost. School
2 districts may purchase textbooks and electronic textbooks and
3 the technological equipment necessary to gain access to and use
4 electronic textbooks from the publishers and manufacturers at
5 the prices listed on the sworn statement published on the
6 retail dealer's website ~~with the State Board of Education~~ and
7 sell them to the pupils at the listed prices or at such prices
8 as will include the cost of transportation and handling.

9 (Source: P.A. 96-1403, eff. 7-29-10.)

10 (105 ILCS 5/28-9) (from Ch. 122, par. 28-9)

11 Sec. 28-9. Purchase by districts - Designation of agent for
12 sale. School districts may purchase out of contingent funds
13 school textbooks or electronic textbooks, instructional
14 materials, and the technological equipment necessary to gain
15 access to and use electronic textbooks from the publishers and
16 manufacturers at the prices listed on the sworn statement
17 published on the retail dealer's website ~~with the State Board~~
18 ~~of Education~~ and may designate a retail dealer or dealers to
19 act as the agent of the district in selling them to pupils.
20 Such dealers shall at stated times make settlement with the
21 district for books sold. Such dealers shall not sell textbooks
22 at prices which exceed a 10% advance on the net prices as
23 listed on the sworn statement ~~with the State Board of~~
24 ~~Education~~.

25 (Source: P.A. 96-1403, eff. 7-29-10.)

1 (105 ILCS 5/28-21) (from Ch. 122, par. 28-21)

2 Sec. 28-21. The State Board of Education shall require each
3 publisher of any printed textbook or electronic textbook ~~that~~
4 ~~is listed for use by the State Board of Education under this~~
5 ~~Article or~~ that is furnished at public expense under Sections
6 28-14 through 28-19 and is first published after July 19, 2006
7 to furnish, as provided in this Section, an accessible
8 electronic file set of contracted print material to the
9 National Instructional Materials Access Center, which shall
10 then be available to the State Board of Education or its
11 authorized user for the purpose of conversion to an accessible
12 format for use by a child with a print disability and for
13 distribution to local education agencies. An "accessible
14 electronic file" means a file that conforms to specifications
15 of the national file format adopted by the United States
16 Department of Education. Other terms used in this Section shall
17 be construed in compliance with the federal Individuals with
18 Disabilities Education Act and related regulations.

19 (Source: P.A. 95-415, eff. 8-24-07; 96-1403, eff. 7-29-10.)

1 INDEX

2 Statutes amended in order of appearance

3 105 ILCS 5/2-3.155

4 105 ILCS 5/14-7.03 from Ch. 122, par. 14-7.03

5 105 ILCS 5/18-3 from Ch. 122, par. 18-3

6 105 ILCS 5/18-8.15

7 105 ILCS 5/28-1 from Ch. 122, par. 28-1

8 105 ILCS 5/28-4 from Ch. 122, par. 28-4

9 105 ILCS 5/28-7 from Ch. 122, par. 28-7

10 105 ILCS 5/28-8 from Ch. 122, par. 28-8

11 105 ILCS 5/28-9 from Ch. 122, par. 28-9

12 105 ILCS 5/28-21 from Ch. 122, par. 28-21