



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0078

Introduced 1/14/2021, by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

New Act

105 ILCS 5/10-17a

from Ch. 122, par. 10-17a

105 ILCS 5/34-18.24

Creates the Lead in Schools Reporting Act. Provides that on an annual basis the Department of Public Health, in coordination with local departments of public health serving the City of Chicago, shall conduct specified lead testing at public school facilities within the City. Provides that the results from such testing shall be transmitted to the State Board of Education. Provides that the Department shall notify the State Board if a detected lead level meets a level that the Department deems unsafe. Amends the School Code. Provides that the school report cards for the Chicago school district shall include lead testing results and that students in the district may transfer from one attendance center to another attendance center within or outside of the district if any lead levels at his or her current attendance center meet a level that the Department deems unsafe. Makes other changes to the provisions concerning transfers.

LRB102 03779 CMG 13792 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 1. Short title. This Act may be cited as the Lead
5 in Schools Reporting Act.

6 Section 5. Definitions. As used in this Act:

7 "Department" means the Department of Public Health.

8 "Lead inspector" means an individual who has been trained
9 by a Department-approved training program and is licensed by
10 the Department to conduct lead inspections; to sample for the
11 presence of lead in paint, dust, soil, and water; and to
12 conduct compliance investigations.

13 Section 10. Lead testing and reporting. On an annual
14 basis, the Department of Public Health, in coordination with
15 local departments of public health serving the City of
16 Chicago, shall employ lead inspectors to test all public
17 school facilities within the City of Chicago for the presence
18 of lead in paint, dust, soil, and water. The results of this
19 lead testing shall be transmitted to the State Board of
20 Education for the purpose of inclusion in school report cards.
21 The Department shall notify the State Board of Education if a
22 lead level detected in the paint, dust, soil, or water at a

1 public school facility in the City of Chicago meets a level
2 that the Department deems unsafe, including, but not limited
3 to, the current State or federal action levels for lead in
4 drinking water at the time results are transmitted by the
5 Department to the State Board of Education.

6 Section 15. The School Code is amended by changing
7 Sections 10-17a and 34-18.24 as follows:

8 (105 ILCS 5/10-17a) (from Ch. 122, par. 10-17a)

9 Sec. 10-17a. State, school district, and school report
10 cards.

11 (1) By October 31, 2013 and October 31 of each subsequent
12 school year, the State Board of Education, through the State
13 Superintendent of Education, shall prepare a State report
14 card, school district report cards, and school report cards,
15 and shall by the most economic means provide to each school
16 district in this State, including special charter districts
17 and districts subject to the provisions of Article 34, the
18 report cards for the school district and each of its schools.

19 (2) In addition to any information required by federal
20 law, the State Superintendent shall determine the indicators
21 and presentation of the school report card, which must
22 include, at a minimum, the most current data collected and
23 maintained by the State Board of Education related to the
24 following:

1 (A) school characteristics and student demographics,
2 including average class size, average teaching experience,
3 student racial/ethnic breakdown, and the percentage of
4 students classified as low-income; the percentage of
5 students classified as English learners; the percentage of
6 students who have individualized education plans or 504
7 plans that provide for special education services; the
8 number and percentage of all students who have been
9 assessed for placement in a gifted education or advanced
10 academic program and, of those students: (i) the racial
11 and ethnic breakdown, (ii) the percentage who are
12 classified as low-income, and (iii) the number and
13 percentage of students who received direct instruction
14 from a teacher who holds a gifted education endorsement
15 and, of those students, the percentage who are classified
16 as low-income; the percentage of students scoring at the
17 "exceeds expectations" level on the assessments required
18 under Section 2-3.64a-5 of this Code; the percentage of
19 students who annually transferred in or out of the school
20 district; average daily attendance; the per-pupil
21 operating expenditure of the school district; and the
22 per-pupil State average operating expenditure for the
23 district type (elementary, high school, or unit);

24 (B) curriculum information, including, where
25 applicable, Advanced Placement, International
26 Baccalaureate or equivalent courses, dual enrollment

1 courses, foreign language classes, school personnel
2 resources (including Career Technical Education teachers),
3 before and after school programs, extracurricular
4 activities, subjects in which elective classes are
5 offered, health and wellness initiatives (including the
6 average number of days of Physical Education per week per
7 student), approved programs of study, awards received,
8 community partnerships, and special programs such as
9 programming for the gifted and talented, students with
10 disabilities, and work-study students;

11 (C) student outcomes, including, where applicable, the
12 percentage of students deemed proficient on assessments of
13 State standards, the percentage of students in the eighth
14 grade who pass Algebra, the percentage of students who
15 participated in workplace learning experiences, the
16 percentage of students enrolled in post-secondary
17 institutions (including colleges, universities, community
18 colleges, trade/vocational schools, and training programs
19 leading to career certification within 2 semesters of high
20 school graduation), the percentage of students graduating
21 from high school who are college and career ready, and the
22 percentage of graduates enrolled in community colleges,
23 colleges, and universities who are in one or more courses
24 that the community college, college, or university
25 identifies as a developmental course;

26 (D) student progress, including, where applicable, the

1 percentage of students in the ninth grade who have earned
2 5 credits or more without failing more than one core
3 class, a measure of students entering kindergarten ready
4 to learn, a measure of growth, and the percentage of
5 students who enter high school on track for college and
6 career readiness;

7 (E) the school environment, including, where
8 applicable, the percentage of students with less than 10
9 absences in a school year, the percentage of teachers with
10 less than 10 absences in a school year for reasons other
11 than professional development, leaves taken pursuant to
12 the federal Family Medical Leave Act of 1993, long-term
13 disability, or parental leaves, the 3-year average of the
14 percentage of teachers returning to the school from the
15 previous year, the number of different principals at the
16 school in the last 6 years, the number of teachers who hold
17 a gifted education endorsement, the process and criteria
18 used by the district to determine whether a student is
19 eligible for participation in a gifted education program
20 or advanced academic program and the manner in which
21 parents and guardians are made aware of the process and
22 criteria, 2 or more indicators from any school climate
23 survey selected or approved by the State and administered
24 pursuant to Section 2-3.153 of this Code, with the same or
25 similar indicators included on school report cards for all
26 surveys selected or approved by the State pursuant to

1 Section 2-3.153 of this Code, and the combined percentage
2 of teachers rated as proficient or excellent in their most
3 recent evaluation;

4 (F) a school district's and its individual schools'
5 balanced accountability measure, in accordance with
6 Section 2-3.25a of this Code;

7 (G) the total and per pupil normal cost amount the
8 State contributed to the Teachers' Retirement System of
9 the State of Illinois in the prior fiscal year for the
10 school's employees, which shall be reported to the State
11 Board of Education by the Teachers' Retirement System of
12 the State of Illinois;

13 (H) for a school district organized under Article 34
14 of this Code only, State contributions to the Public
15 School Teachers' Pension and Retirement Fund of Chicago
16 and State contributions for health care for employees of
17 that school district;

18 (I) a school district's Final Percent of Adequacy, as
19 defined in paragraph (4) of subsection (f) of Section
20 18-8.15 of this Code;

21 (J) a school district's Local Capacity Target, as
22 defined in paragraph (2) of subsection (c) of Section
23 18-8.15 of this Code, displayed as a percentage amount;

24 (K) a school district's Real Receipts, as defined in
25 paragraph (1) of subsection (d) of Section 18-8.15 of this
26 Code, divided by a school district's Adequacy Target, as

1 defined in paragraph (1) of subsection (b) of Section
2 18-8.15 of this Code, displayed as a percentage amount;

3 (L) a school district's administrative costs; ~~and~~

4 (M) whether or not the school has participated in the
5 Illinois Youth Survey. In this paragraph (M), "Illinois
6 Youth Survey" means a self-report survey, administered in
7 school settings every 2 years, designed to gather
8 information about health and social indicators, including
9 substance abuse patterns and the attitudes of students in
10 grades 8, 10, and 12; ~~and~~

11 (N) whether the school offered its students career and
12 technical education opportunities; ~~and~~

13 (O) for a school in a school district organized under
14 Article 34 of this Code, the lead levels at the school as
15 reported to the State Board of Education under the Lead in
16 Schools Reporting Act, including whether any lead levels
17 meet a level the Department of Public Health deems unsafe.

18 The school report card shall also provide information that
19 allows for comparing the current outcome, progress, and
20 environment data to the State average, to the school data from
21 the past 5 years, and to the outcomes, progress, and
22 environment of similar schools based on the type of school and
23 enrollment of low-income students, special education students,
24 and English learners.

25 As used in this subsection (2):

26 "Administrative costs" means costs associated with

1 executive, administrative, or managerial functions within the
2 school district that involve planning, organizing, managing,
3 or directing the school district.

4 "Advanced academic program" means a course of study to
5 which students are assigned based on advanced cognitive
6 ability or advanced academic achievement compared to local age
7 peers and in which the curriculum is substantially
8 differentiated from the general curriculum to provide
9 appropriate challenge and pace.

10 "Gifted education" means educational services, including
11 differentiated curricula and instructional methods, designed
12 to meet the needs of gifted children as defined in Article 14A
13 of this Code.

14 For the purposes of paragraph (A) of this subsection (2),
15 "average daily attendance" means the average of the actual
16 number of attendance days during the previous school year for
17 any enrolled student who is subject to compulsory attendance
18 by Section 26-1 of this Code at each school and charter school.

19 (3) At the discretion of the State Superintendent, the
20 school district report card shall include a subset of the
21 information identified in paragraphs (A) through (E) of
22 subsection (2) of this Section, as well as information
23 relating to the operating expense per pupil and other finances
24 of the school district, and the State report card shall
25 include a subset of the information identified in paragraphs
26 (A) through (E) and paragraph (N) of subsection (2) of this

1 Section. The school district report card shall include the
2 average daily attendance, as that term is defined in
3 subsection (2) of this Section, of students who have
4 individualized education programs and students who have 504
5 plans that provide for special education services within the
6 school district.

7 (4) Notwithstanding anything to the contrary in this
8 Section, in consultation with key education stakeholders, the
9 State Superintendent shall at any time have the discretion to
10 amend or update any and all metrics on the school, district, or
11 State report card.

12 (5) Annually, no more than 30 calendar days after receipt
13 of the school district and school report cards from the State
14 Superintendent of Education, each school district, including
15 special charter districts and districts subject to the
16 provisions of Article 34, shall present such report cards at a
17 regular school board meeting subject to applicable notice
18 requirements, post the report cards on the school district's
19 Internet web site, if the district maintains an Internet web
20 site, make the report cards available to a newspaper of
21 general circulation serving the district, and, upon request,
22 send the report cards home to a parent (unless the district
23 does not maintain an Internet web site, in which case the
24 report card shall be sent home to parents without request). If
25 the district posts the report card on its Internet web site,
26 the district shall send a written notice home to parents

1 stating (i) that the report card is available on the web site,
2 (ii) the address of the web site, (iii) that a printed copy of
3 the report card will be sent to parents upon request, and (iv)
4 the telephone number that parents may call to request a
5 printed copy of the report card.

6 (6) Nothing contained in Public Act 98-648 repeals,
7 supersedes, invalidates, or nullifies final decisions in
8 lawsuits pending on July 1, 2014 (the effective date of Public
9 Act 98-648) in Illinois courts involving the interpretation of
10 Public Act 97-8.

11 (Source: P.A. 100-227, eff. 8-18-17; 100-364, eff. 1-1-18;
12 100-448, eff. 7-1-19; 100-465, eff. 8-31-17; 100-807, eff.
13 8-10-18; 100-863, eff. 8-14-18; 100-1121, eff. 1-1-19; 101-68,
14 eff. 1-1-20; 101-81, eff. 7-12-19; revised 9-9-19.)

15 (105 ILCS 5/34-18.24)

16 Sec. 34-18.24. Transfer of students.

17 (a) The board shall establish and implement a policy
18 governing the transfer of a student from one attendance center
19 to another within the school district upon the request of the
20 student's parent or guardian. A student may not transfer to
21 any of the following attendance centers, except by change in
22 residence if the policy authorizes enrollment based on
23 residence in an attendance area, if subsection (e) applies, or
24 unless approved by the board on an individual basis:

25 (1) An attendance center that exceeds or as a result

1 of the transfer would exceed its attendance capacity.

2 (2) An attendance center for which the board has
3 established academic criteria for enrollment in compliance
4 with the federal Every Student Succeeds Act or the federal
5 Individuals with Disabilities Education Act if the student
6 does not meet the criteria.

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

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

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

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

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

1 this Section.

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

8 (d) (Blank).

9 (e) A student may transfer from one attendance center to
10 another attendance center within or outside of the district if
11 any lead levels at his or her current attendance center meet a
12 level the Department of Public Health deems unsafe.

13 (Source: P.A. 100-1046, eff. 8-23-18.)