



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1637

Introduced 2/26/2021, by Sen. Sue Rezin

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-21.4

from Ch. 122, par. 10-21.4

Amends the School Code. Provides that a school board shall, upon passage of a referendum after submission of a petition signed by no less than 8% of the school district's voters in the last consolidated election, or may, by resolution, enter into a joint agreement with other school boards to share the services of a superintendent or other administrator. Provides that any savings realized by sharing services must be divided equally between classroom needs and property tax relief. Provides that a school district wishing to withdraw from the joint agreement shall obtain from its school board a written resolution approving the withdrawal and shall present a petition for withdrawal to the other member school districts within the timelines designated by the joint agreement if the school district entered into the joint agreement by resolution. Provides that a school district wishing to withdraw from the joint agreement shall submit to the voters of the district the question of whether the school district shall withdraw from the joint agreement if the school district entered into the joint agreement by a referendum vote (also provides for a referendum upon submission of a petition).

LRB102 15937 CMG 21307 b

FISCAL NOTE ACT
MAY APPLY

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 Section
5 10-21.4 as follows:

6 (105 ILCS 5/10-21.4) (from Ch. 122, par. 10-21.4)

7 Sec. 10-21.4. Superintendent - Duties; shared
8 administrators.

9 (a) Except in districts in which there is only one school
10 with fewer than 4 teachers, to employ a superintendent or
11 share the services of a superintendent as otherwise provided
12 in this Section, who shall have charge of the administration
13 of the schools under the direction of the board of education.
14 However, in any school district that has boundaries that lie
15 in 3 counties, one county of which has a population exceeding
16 1,000,000 inhabitants, that has an enrollment of more than
17 35,000 students, and that has on staff properly licensed
18 assistant superintendents or directors in the areas of
19 instruction, finance, special education, assessments, and
20 career and technology education, the school board may instead,
21 by a vote of a majority of its full membership, appoint a chief
22 executive officer to serve as its superintendent, who shall be
23 a person of recognized administrative ability and management

1 experience, hold a master's degree, have been employed with
2 the school district for a minimum of 5 years in an
3 administrative capacity, be responsible for the management of
4 the district, and have all other powers and duties of a
5 superintendent as set forth in this Code, but who shall be
6 exempt from the provisions and requirements of Section 21B-15
7 of this Code for a period of 5 years.

8 (b) Except for a principal or assistant principal, a
9 school board shall, upon passage of a referendum as provided
10 in subsection (c) after submission of a petition signed by no
11 less than 8% of registered voters in the school district in the
12 last consolidated election, or may, by resolution, enter into
13 a joint agreement with other school boards to share the
14 services of a superintendent or other administrator,
15 including, but not limited to, an assistant superintendent,
16 associate superintendent, chief school business official,
17 assistant school business official, special education director
18 or supervisor, assistant special education director or
19 supervisor, general administrator, general supervisor,
20 director or dean, supervisory dean, athletic director,
21 curriculum director, assistant athletic director, or assistant
22 curriculum director. Each school board involved in the joint
23 agreement must agree to the joint agreement by resolution or
24 by passage of a referendum, but not both. A school board is not
25 required to enter into a joint agreement in the same manner as
26 the other school boards in the agreement, as long as the school

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

26 Any savings realized by sharing services under this

1 subsection must be divided equally between classroom needs and
2 property tax relief for the school district's residents.

3 Notwithstanding any other provision of this Section,
4 shared administrator services may not alter an individual
5 school board's authority to make decisions on behalf of a
6 school district.

7 (c) A petition to enter into a joint agreement under
8 subsection (b) shall be filed with the school board's
9 secretary no more than 92 days prior to the election at which
10 the question is to be submitted to the voters. The school
11 board's secretary shall certify the question, and the proper
12 election authority or authorities shall submit the question to
13 the voters. This referendum shall be subject to all other
14 general election law requirements. The proposition shall be in
15 substantially the following form:

16 Shall the (school district) enter into a joint
17 agreement with (other school district or districts) to
18 share the services of a (superintendent or other
19 administrator)?

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

21 If a majority of all votes cast on the proposition are in
22 favor of the proposition or the school board adopts a
23 resolution in all affected school districts, the school boards
24 shall enter into a joint agreement.

25 (d) If, within 6 months after passage of a referendum
26 under subsection (c) or adoption of a resolution under

1 subsection (b), the school boards who are parties to the joint
2 agreement are unable to reach an agreement on how they will
3 share the services of a superintendent or other administrator,
4 the regional office of education that has supervision and
5 control of the school districts that are sharing services or,
6 if more than one regional office of education has supervision
7 and control, the regional office of education that has
8 supervision and control of the largest portion of the affected
9 school districts must assist in the development of the joint
10 agreement.

11 (e) A school district wishing to withdraw from a joint
12 agreement under this Section shall obtain from its school
13 board a written resolution approving the withdrawal if the
14 school district entered into the joint agreement by
15 resolution. The withdrawing school district must present a
16 written petition for withdrawal from the joint agreement to
17 the other member school districts within the timelines
18 designated by the joint agreement. Upon approval of the
19 petition by all of the remaining member school districts, the
20 petitioning school district shall be withdrawn from the joint
21 agreement effective the following July 1 and shall provide the
22 State Board of Education written notification of the approved
23 withdrawal.

24 (f) A school district wishing to withdraw from a joint
25 agreement under this Section shall submit to the voters of the
26 district at the next consolidated election the question of

1 whether the school district shall withdraw from the joint
2 agreement if the school district entered into the joint
3 agreement by a referendum vote. In addition, the question
4 shall be submitted to the voters of the district at the next
5 consolidated election upon submission of a petition signed by
6 no less than 8% of registered voters in the district in the
7 last consolidated election. The petition or other school board
8 action shall be filed with the school board's secretary no
9 more than 92 days prior to the election at which the question
10 is to be submitted to the voters. The school board's secretary
11 shall certify the question, and the proper election authority
12 or authorities shall submit the question to the voters. This
13 referendum shall be subject to all other general election law
14 requirements. The proposition shall be in substantially the
15 following form:

16 Shall the (school district) withdraw from the joint
17 agreement with (other school district or districts) and
18 cease sharing the services of a (superintendent or other
19 administrator)?

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

21 If a majority of all votes cast on the proposition are in
22 favor of the proposition, the school district shall be
23 withdrawn from the joint agreement effective the following
24 July 1 and shall provide the State Board of Education written
25 notification of the approved withdrawal.

26 (g) In addition to the administrative duties, the

1 superintendent shall make recommendations to the board
2 concerning the budget, building plans, the locations of sites,
3 the selection, retention and dismissal of teachers and all
4 other employees, the selection of textbooks, instructional
5 material and courses of study. However, in districts under a
6 Financial Oversight Panel pursuant to Section 1A-8 for
7 violating a financial plan, the duties and responsibilities of
8 the superintendent in relation to the financial and business
9 operations of the district shall be approved by the Panel. In
10 the event the Board refuses or fails to follow a directive or
11 comply with an information request of the Panel, the
12 performance of those duties shall be subject to the direction
13 of the Panel. The superintendent shall also notify the State
14 Board of Education, the board and the chief administrative
15 official, other than the alleged perpetrator himself, in the
16 school where the alleged perpetrator serves, that any person
17 who is employed in a school or otherwise comes into frequent
18 contact with children in the school has been named as a
19 perpetrator in an indicated report filed pursuant to the
20 Abused and Neglected Child Reporting Act, approved June 26,
21 1975, as amended. The superintendent shall keep or cause to be
22 kept the records and accounts as directed and required by the
23 board, aid in making reports required by the board, and
24 perform such other duties as the board may delegate to him.

25 In addition, each year at a time designated by the State
26 Superintendent of Education, each superintendent shall report

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

7 (h) The provisions of this Section shall also apply to
8 board of director districts.

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

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