



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB4056

Introduced 1/21/2022, by Sen. Christopher Belt

SYNOPSIS AS INTRODUCED:

See Index

Amends Public Act 102-466 to change the effective date of certain provisions. Amends the School Code. Makes changes concerning State Board of Education reporting, references to the Certification of Teachers Article and certification, reporting attacks on school personnel, the Annual State Report on Special Education Performance, the High-Cost Special Education Funding Commission, the evidence-based funding formula, a part-time provisional career and technical educator endorsement or a provisional career and technical educator endorsement on an educator license with stipulations, the heroin and opioid drug prevention pilot program, the Emotional Intelligence and Social and Emotional Learning Task Force, and the limitation on noninstructional costs in the Chicago school district. Repeals provisions concerning the Downstate School Finance Authority for Elementary Districts Law, an alternative education program audit adjustment prohibition, high-skilled manufacturing teaching resources, entrepreneurial skills teaching resources, a job training program prohibition, the Giant Steps Autism Center for Excellence pilot program, fast growth grants, and the Alternative Route to Administrative Certification for National Board Certified Teachers. Amends the School Safety Drill Act. Adds a charter school authorized by the State Board of Education and a special education cooperative to the definition of "school" and requires a charter school to have threat assessment procedures. Amends the Property Tax Code, Illinois Pension Code, and Illinois Educational Labor Relations Act to make related changes. Amends the College and Career Success for All Students Act to make a technical change. Effective immediately.

LRB102 25878 CMG 35234 b

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. "An Act concerning education", approved August
5 20, 2021, Public Act 102-466, is amended by changing Section
6 99 as follows:

7 (P.A. 102-466, Sec. 99)

8 Sec. 99. Effective date. This Section and the provisions
9 adding Section 26A-15 of the School Code take effect on July 1,
10 2022. The remainder of this ~~This~~ Act takes effect July 1, 2025.
11 (Source: P.A. 102-466, eff. 7-1-25.)

12 Section 10. The Property Tax Code is amended by changing
13 Sections 18-50.1 and 18-241 as follows:

14 (35 ILCS 200/18-50.1)

15 Sec. 18-50.1. School Finance Authority and Financial
16 Oversight Panel levies.

17 (a) (Blank). ~~Notwithstanding any other law to the~~
18 ~~contrary, any levy adopted by a School Finance Authority~~
19 ~~created under Article 1F of the School Code is valid and shall~~
20 ~~be extended by the county clerk if it is certified to the~~
21 ~~county clerk by the Authority in sufficient time to allow the~~

1 ~~county clerk to include the levy in the extension for the~~
2 ~~taxable year.~~

3 (b) Notwithstanding any other law to the contrary, any
4 levy adopted by a Financial Oversight Panel created under
5 Article 1H of the School Code and levied pursuant to Section
6 1H-75 of the School Code is valid and shall be extended by the
7 county clerk if it is certified to the county clerk by the
8 Panel in sufficient time to allow the county clerk to include
9 the levy in the extension for the taxable year.

10 (Source: P.A. 97-429, eff. 8-16-11.)

11 (35 ILCS 200/18-241)

12 Sec. 18-241. School Finance Authority and Financial
13 Oversight Panel.

14 (a) A School Finance Authority established under Article
15 1E ~~or 1F~~ of the School Code shall not be a taxing district for
16 purposes of this Law. A Financial Oversight Panel established
17 under Article 1H of the School Code shall not be a taxing
18 district for purposes of this Law.

19 (b) This Law shall not apply to the extension of taxes for
20 a school district for the levy year in which a School Finance
21 Authority for the district is created pursuant to Article 1E
22 ~~or 1F~~ of the School Code. This Law shall not apply to the
23 extension of taxes for the purpose of repaying an emergency
24 financial assistance loan levied pursuant to Section 1H-65 of
25 the School Code.

1 (Source: P.A. 97-429, eff. 8-16-11.)

2 Section 15. The Illinois Pension Code is amended by
3 changing Section 17-130 as follows:

4 (40 ILCS 5/17-130) (from Ch. 108 1/2, par. 17-130)

5 Sec. 17-130. Participants' contributions by payroll
6 deductions.

7 (a) There shall be deducted from the salary of each
8 teacher 7.50% of his salary for service or disability
9 retirement pension and 0.5% of salary for the annual increase
10 in base pension.

11 In addition, there shall be deducted from the salary of
12 each teacher 1% of his salary for survivors' and children's
13 pensions.

14 (b) An Employer and any employer of eligible contributors
15 as defined in Section 17-106 is authorized to make the
16 necessary deductions from the salaries of its teachers. Such
17 amounts shall be included as a part of the Fund. An Employer
18 and any employer of eligible contributors as defined in
19 Section 17-106 shall formulate such rules and regulations as
20 may be necessary to give effect to the provisions of this
21 Section.

22 (c) All persons employed as teachers shall, by such
23 employment, accept the provisions of this Article and of
24 Sections 34-83.1 ~~34-83~~ to 34-85, inclusive, of the School Code

1 ~~"The School Code", approved March 18, 1961, as amended,~~ and
2 thereupon become contributors to the Fund in accordance with
3 the terms thereof. The provisions of this Article and of those
4 Sections shall become a part of the contract of employment.

5 (d) A person who (i) was a member before July 1, 1998, (ii)
6 retires with more than 34 years of creditable service, and
7 (iii) does not elect to qualify for the augmented rate under
8 Section 17-119.1 shall be entitled, at the time of retirement,
9 to receive a partial refund of contributions made under this
10 Section for service occurring after the later of June 30, 1998
11 or attainment of 34 years of creditable service, in an amount
12 equal to 1.00% of the salary upon which those contributions
13 were based.

14 (Source: P.A. 97-8, eff. 6-13-11.)

15 Section 20. The School Code is amended by changing
16 Sections 1A-4, 1B-6, 1B-7.10, 1B-8, 1E-35, 1E-40, 1H-30,
17 2-3.9, 2-3.11d, 2-3.25i, 2-3.103, 2-3.146, 10-21.7, 10-21.9,
18 10-22.18, 10-22.23, 10-22.23a, 10-22.24a, 10-22.34, 10-22.34a,
19 10-22.34b, 10-29, 13B-25.20, 13B-65, 13B-65.5, 14-1.09b,
20 14-1.09.1, 14-1.09.2, 14-6.04, 14-7.05, 14-8.02d, 14-9.01,
21 14-17, 18-8.15, 21B-20, 22-81, 27-23.12, 34-1.1, 34-2.3,
22 34-2.4a, 34-8.1, 34-18, 34-18.5, 34-18.10, and 34-43.1 as
23 follows:

24 (105 ILCS 5/1A-4) (from Ch. 122, par. 1A-4)

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

2 A. (Blank).

3 B. The Board shall determine the qualifications of and
4 appoint a chief education officer, to be known as the State
5 Superintendent of Education, who may be proposed by the
6 Governor and who shall serve at the pleasure of the Board and
7 pursuant to a performance-based contract linked to statewide
8 student performance and academic improvement within Illinois
9 schools. Upon expiration or buyout of the contract of the
10 State Superintendent of Education in office on the effective
11 date of this amendatory Act of the 93rd General Assembly, a
12 State Superintendent of Education shall be appointed by a
13 State Board of Education that includes the 7 new Board members
14 who were appointed to fill seats of members whose terms were
15 terminated on the effective date of this amendatory Act of the
16 93rd General Assembly. Thereafter, a State Superintendent of
17 Education must, at a minimum, be appointed at the beginning of
18 each term of a Governor after that Governor has made
19 appointments to the Board. A performance-based contract issued
20 for the employment of a State Superintendent of Education
21 entered into on or after the effective date of this amendatory
22 Act of the 93rd General Assembly must expire no later than
23 February 1, 2007, and subsequent contracts must expire no
24 later than February 1 each 4 years thereafter. No contract
25 shall be extended or renewed beyond February 1, 2007 and
26 February 1 each 4 years thereafter, but a State Superintendent

1 of Education shall serve until his or her successor is
2 appointed. Each contract entered into on or before January 8,
3 2007 with a State Superintendent of Education must provide
4 that the State Board of Education may terminate the contract
5 for cause, and the State Board of Education shall not
6 thereafter be liable for further payments under the contract.
7 With regard to this amendatory Act of the 93rd General
8 Assembly, it is the intent of the General Assembly that,
9 beginning with the Governor who takes office on the second
10 Monday of January, 2007, a State Superintendent of Education
11 be appointed at the beginning of each term of a Governor after
12 that Governor has made appointments to the Board. The State
13 Superintendent of Education shall not serve as a member of the
14 State Board of Education. The Board shall set the compensation
15 of the State Superintendent of Education who shall serve as
16 the Board's chief executive officer. The Board shall also
17 establish the duties, powers and responsibilities of the State
18 Superintendent, which shall be included in the State
19 Superintendent's performance-based contract along with the
20 goals and indicators of student performance and academic
21 improvement used to measure the performance and effectiveness
22 of the State Superintendent. The State Board of Education may
23 delegate to the State Superintendent of Education the
24 authority to act on the Board's behalf, provided such
25 delegation is made pursuant to adopted board policy or the
26 powers delegated are ministerial in nature. The State Board

1 may not delegate authority under this Section to the State
2 Superintendent to (1) nonrecognize school districts, (2)
3 withhold State payments as a penalty, or (3) make final
4 decisions under the contested case provisions of the Illinois
5 Administrative Procedure Act unless otherwise provided by law.

6 C. The powers and duties of the State Board of Education
7 shall encompass all duties delegated to the Office of
8 Superintendent of Public Instruction on January 12, 1975,
9 except as the law providing for such powers and duties is
10 thereafter amended, and such other powers and duties as the
11 General Assembly shall designate. The Board shall be
12 responsible for the educational policies and guidelines for
13 public schools, pre-school through grade 12 and Vocational
14 Education in the State of Illinois. The Board shall analyze
15 the present and future aims, needs, and requirements of
16 education in the State of Illinois and recommend to the
17 General Assembly the powers which should be exercised by the
18 Board. The Board shall recommend the passage and the
19 legislation necessary to determine the appropriate
20 relationship between the Board and local boards of education
21 and the various State agencies and shall recommend desirable
22 modifications in the laws which affect schools.

23 D. Two members of the Board shall be appointed by the
24 chairperson to serve on a standing joint Education Committee,
25 2 others shall be appointed from the Board of Higher
26 Education, 2 others shall be appointed by the chairperson of

1 the Illinois Community College Board, and 2 others shall be
2 appointed by the chairperson of the Human Resource Investment
3 Council. The Committee shall be responsible for making
4 recommendations concerning the submission of any workforce
5 development plan or workforce training program required by
6 federal law or under any block grant authority. The Committee
7 will be responsible for developing policy on matters of mutual
8 concern to elementary, secondary and higher education such as
9 Occupational and Career Education, Teacher Preparation and
10 Licensure Certification, Educational Finance, Articulation
11 between Elementary, Secondary and Higher Education and
12 Research and Planning. The joint Education Committee shall
13 meet at least quarterly and submit an annual report of its
14 findings, conclusions, and recommendations to the State Board
15 of Education, the Board of Higher Education, the Illinois
16 Community College Board, the Human Resource Investment
17 Council, the Governor, and the General Assembly. All meetings
18 of this Committee shall be official meetings for reimbursement
19 under this Act. On the effective date of this amendatory Act of
20 the 95th General Assembly, the Joint Education Committee is
21 abolished.

22 E. Five members of the Board shall constitute a quorum. A
23 majority vote of the members appointed, confirmed and serving
24 on the Board is required to approve any action, except that the
25 7 new Board members who were appointed to fill seats of members
26 whose terms were terminated on the effective date of this

1 amendatory act of the 93rd General Assembly may vote to
2 approve actions when appointed and serving.

3 ~~Using the most recently available data, the Board shall~~
4 ~~prepare and submit to the General Assembly and the Governor on~~
5 ~~or before January 14, 1976 and annually thereafter a report or~~
6 ~~reports of its findings and recommendations. Such annual~~
7 ~~report shall contain a separate section which provides a~~
8 ~~critique and analysis of the status of education in Illinois~~
9 ~~and which identifies its specific problems and recommends~~
10 ~~express solutions therefor. Such annual report also shall~~
11 ~~contain the following information for the preceding year~~
12 ~~ending on June 30: each act or omission of a school district of~~
13 ~~which the State Board of Education has knowledge as a~~
14 ~~consequence of scheduled, approved visits and which~~
15 ~~constituted a failure by the district to comply with~~
16 ~~applicable State or federal laws or regulations relating to~~
17 ~~public education, the name of such district, the date or dates~~
18 ~~on which the State Board of Education notified the school~~
19 ~~district of such act or omission, and what action, if any, the~~
20 ~~school district took with respect thereto after being notified~~
21 ~~thereof by the State Board of Education. The report shall also~~
22 ~~include the statewide high school dropout rate by grade level,~~
23 ~~sex and race and the annual student dropout rate of and the~~
24 ~~number of students who graduate from, transfer from or~~
25 ~~otherwise leave bilingual programs. The Auditor General shall~~
26 ~~annually perform a compliance audit of the State Board of~~

1 ~~Education's performance of the reporting duty imposed by this~~
2 ~~amendatory Act of 1986. A regular system of communication with~~
3 ~~other directly related State agencies shall be implemented.~~

4 ~~The requirement for reporting to the General Assembly~~
5 ~~shall be satisfied by filing copies of the report with the~~
6 ~~Speaker, the Minority Leader and the Clerk of the House of~~
7 ~~Representatives and the President, the Minority Leader and the~~
8 ~~Secretary of the Senate and the Legislative Council, as~~
9 ~~required by Section 3.1 of the General Assembly Organization~~
10 ~~Act, and filing such additional copies with the State~~
11 ~~Government Report Distribution Center for the General Assembly~~
12 ~~as is required under paragraph (t) of Section 7 of the State~~
13 ~~Library Act.~~

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

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

21 (105 ILCS 5/1B-6) (from Ch. 122, par. 1B-6)

22 Sec. 1B-6. General powers. The purpose of the Financial
23 Oversight Panel shall be to exercise financial control over
24 the board of education, and, when approved by the State Board
25 and the State Superintendent of Education, to furnish

1 financial assistance so that the board can provide public
2 education within the board's jurisdiction while permitting the
3 board to meet its obligations to its creditors and the holders
4 of its notes and bonds. Except as expressly limited by this
5 Article, the Panel shall have all powers necessary to meet its
6 responsibilities and to carry out its purposes and the
7 purposes of this Article, including, but not limited to, the
8 following powers:

9 (a) to sue and be sued;

10 (b) to provide for its organization and internal
11 management;

12 (c) to appoint a Financial Administrator to serve as
13 the chief executive officer of the Panel. The Financial
14 Administrator may be an individual, partnership,
15 corporation, including an accounting firm, or other entity
16 determined by the Panel to be qualified to serve; and to
17 appoint other officers, agents, and employees of the
18 Panel, define their duties and qualifications and fix
19 their compensation and employee benefits;

20 (d) to approve the local board of education
21 appointments to the positions of treasurer in a Class I
22 county school unit and in each school district which forms
23 a part of a Class II county school unit but which no longer
24 is subject to the jurisdiction and authority of a township
25 treasurer or trustees of schools of a township because the
26 district has withdrawn from the jurisdiction and authority

1 of the township treasurer and the trustees of schools of
2 the township or because those offices have been abolished
3 as provided in subsection (b) or (c) of Section 5-1, and
4 chief school business official, if such official is not
5 the superintendent of the district. Either the board or
6 the Panel may remove such treasurer or chief school
7 business official;

8 (e) to approve any and all bonds, notes, teachers
9 orders, tax anticipation warrants, and other evidences of
10 indebtedness prior to issuance or sale by the school
11 district; and notwithstanding any other provision of The
12 School Code, as now or hereafter amended, no bonds, notes,
13 teachers orders, tax anticipation warrants or other
14 evidences of indebtedness shall be issued or sold by the
15 school district or be legally binding upon or enforceable
16 against the local board of education unless and until the
17 approval of the Panel has been received;

18 (f) to approve all property tax levies of the school
19 district and require adjustments thereto as the Panel
20 deems necessary or advisable;

21 (g) to require and approve a school district financial
22 plan;

23 (h) to approve and require revisions of the school
24 district budget;

25 (i) to approve all contracts and other obligations as
26 the Panel deems necessary and appropriate;

1 (j) to authorize emergency State financial assistance,
2 including requirements regarding the terms and conditions
3 of repayment of such assistance, and to require the board
4 of education to levy a separate local property tax,
5 subject to the limitations of Section 1B-8, sufficient to
6 repay such assistance consistent with the terms and
7 conditions of repayment and the district's approved
8 financial plan and budget;

9 (k) to request the regional superintendent to make
10 appointments to fill all vacancies on the local school
11 board as provided in Section 10-10;

12 (l) to recommend dissolution or reorganization of the
13 school district to the General Assembly if in the Panel's
14 judgment the circumstances so require;

15 (m) to direct a phased reduction in the oversight
16 responsibilities of the Financial Administrator and of the
17 Panel as the circumstances permit;

18 (n) to determine the amount of emergency State
19 financial assistance to be made available to the school
20 district, and to establish an operating budget for the
21 Panel to be supported by funds available from such
22 assistance, with the assistance and the budget required to
23 be approved by the State Superintendent;

24 (o) to procure insurance against any loss in such
25 amounts and from such insurers as it deems necessary;

26 (p) to engage the services of consultants for

1 rendering professional and technical assistance and advice
2 on matters within the Panel's power;

3 (q) to contract for and to accept any gifts, grants or
4 loans of funds or property or financial or other aid in any
5 form from the federal government, State government, unit
6 of local government, school district or any agency or
7 instrumentality thereof, or from any other private or
8 public source, and to comply with the terms and conditions
9 thereof;

10 (r) to pay the expenses of its operations based on the
11 Panel's budget as approved by the State Superintendent
12 from emergency financial assistance funds available to the
13 district or from deductions from the district's general
14 State aid or evidence-based funding;

15 (s) to do any and all things necessary or convenient
16 to carry out its purposes and exercise the powers given to
17 the Panel by this Article; and

18 (t) (blank). ~~to recommend the creation of a school~~
19 ~~finance authority pursuant to Article 1F of this Code.~~

20 (Source: P.A. 100-465, eff. 8-31-17.)

21 (105 ILCS 5/1B-7.10)

22 Sec. 1B-7.10. Hiring of a chief fiscal officer.

23 (a) In lieu of a Financial Oversight Panel Financial
24 Administrator under Section 1B-7 of this Code, a school
25 district under the authority of a Financial Oversight Panel,

1 after consultation with the Financial Oversight Panel, may
2 appoint a chief fiscal officer who, under the direction of the
3 school board and Financial Oversight Panel, shall have the
4 powers and duties of the district's chief school business
5 official and any other duties regarding budgeting, accounting,
6 and other financial matters that are assigned by the school
7 board or Financial Oversight Panel in accordance with this
8 Code. The district may not employ a chief school business
9 official during the period that the chief fiscal officer is
10 serving in the district. The chief fiscal officer may but is
11 not required to hold an educator license ~~a certificate~~ with a
12 chief school business official endorsement issued under
13 Article 21B ~~21~~ of this Code.

14 (b) The Financial Oversight Panel shall have the final
15 approval of the chief fiscal officer position under this
16 Section as well as the person, based upon his or her skills to
17 fulfill the position.

18 (Source: P.A. 96-401, eff. 8-13-09.)

19 (105 ILCS 5/1B-8) (from Ch. 122, par. 1B-8)

20 Sec. 1B-8. There is created in the State Treasury a
21 special fund to be known as the School District Emergency
22 Financial Assistance Fund (the "Fund"). The School District
23 Emergency Financial Assistance Fund shall consist of
24 appropriations, loan repayments, grants from the federal
25 government, and donations from any public or private source.

1 Moneys in the Fund may be appropriated only to the Illinois
2 Finance Authority and the State Board for those purposes
3 authorized under this Article and Article ~~Articles 1F and 1H~~
4 of this Code. The appropriation may be allocated and expended
5 by the State Board for contractual services to provide
6 technical assistance or consultation to school districts to
7 assess their financial condition and to Financial Oversight
8 Panels that petition for emergency financial assistance
9 grants. The Illinois Finance Authority may provide loans to
10 school districts which are the subject of an approved petition
11 for emergency financial assistance under Section 1B-4, ~~1F-62,~~
12 or 1H-65 of this Code. Neither the State Board of Education nor
13 the Illinois Finance Authority may collect any fees for
14 providing these services.

15 From the amount allocated to each such school district
16 under this Article the State Board shall identify a sum
17 sufficient to cover all approved costs of the Financial
18 Oversight Panel established for the respective school
19 district. If the State Board and State Superintendent of
20 Education have not approved emergency financial assistance in
21 conjunction with the appointment of a Financial Oversight
22 Panel, the Panel's approved costs shall be paid from
23 deductions from the district's general State aid or
24 evidence-based funding.

25 The Financial Oversight Panel may prepare and file with
26 the State Superintendent a proposal for emergency financial

1 assistance for the school district and for its operations
2 budget. No expenditures from the Fund shall be authorized by
3 the State Superintendent until he or she has approved the
4 request of the Panel, either as submitted or in such lesser
5 amount determined by the State Superintendent.

6 The maximum amount of an emergency financial assistance
7 loan which may be allocated to any school district under this
8 Article, including moneys necessary for the operations of the
9 Panel, shall not exceed \$4,000 times the number of pupils
10 enrolled in the school district during the school year ending
11 June 30 prior to the date of approval by the State Board of the
12 petition for emergency financial assistance, as certified to
13 the local board and the Panel by the State Superintendent. An
14 emergency financial assistance grant shall not exceed \$1,000
15 times the number of such pupils. A district may receive both a
16 loan and a grant.

17 The payment of an emergency State financial assistance
18 grant or loan shall be subject to appropriation by the General
19 Assembly. Payment of the emergency State financial assistance
20 loan is subject to the applicable provisions of the Illinois
21 Finance Authority Act. Emergency State financial assistance
22 allocated and paid to a school district under this Article may
23 be applied to any fund or funds from which the local board of
24 education of that district is authorized to make expenditures
25 by law.

26 Any emergency financial assistance grant proposed by the

1 Financial Oversight Panel and approved by the State
2 Superintendent may be paid in its entirety during the initial
3 year of the Panel's existence or spread in equal or declining
4 amounts over a period of years not to exceed the period of the
5 Panel's existence. An emergency financial assistance loan
6 proposed by the Financial Oversight Panel and approved by the
7 Illinois Finance Authority may be paid in its entirety during
8 the initial year of the Panel's existence or spread in equal or
9 declining amounts over a period of years not to exceed the
10 period of the Panel's existence. All loans made by the
11 Illinois Finance Authority for a school district shall be
12 required to be repaid, with simple interest over the term of
13 the loan at a rate equal to 50% of the one-year Constant
14 Maturity Treasury (CMT) yield as last published by the Board
15 of Governors of the Federal Reserve System before the date on
16 which the district's loan is approved by the Illinois Finance
17 Authority, not later than the date the Financial Oversight
18 Panel ceases to exist. The Panel shall establish and the
19 Illinois Finance Authority shall approve the terms and
20 conditions, including the schedule, of repayments. The
21 schedule shall provide for repayments commencing July 1 of
22 each year or upon each fiscal year's receipt of moneys from a
23 tax levy for emergency financial assistance. Repayment shall
24 be incorporated into the annual budget of the school district
25 and may be made from any fund or funds of the district in which
26 there are moneys available. An emergency financial assistance

1 loan to the Panel or district shall not be considered part of
2 the calculation of a district's debt for purposes of the
3 limitation specified in Section 19-1 of this Code. Default on
4 repayment is subject to the Illinois Grant Funds Recovery Act.
5 When moneys are repaid as provided herein they shall not be
6 made available to the local board for further use as emergency
7 financial assistance under this Article at any time
8 thereafter. All repayments required to be made by a school
9 district shall be received by the State Board and deposited in
10 the School District Emergency Financial Assistance Fund.

11 In establishing the terms and conditions for the repayment
12 obligation of the school district the Panel shall annually
13 determine whether a separate local property tax levy is
14 required. The board of any school district with a tax rate for
15 educational purposes for the prior year of less than 120% of
16 the maximum rate for educational purposes authorized by
17 Section 17-2 shall provide for a separate tax levy for
18 emergency financial assistance repayment purposes. Such tax
19 levy shall not be subject to referendum approval. The amount
20 of the levy shall be equal to the amount necessary to meet the
21 annual repayment obligations of the district as established by
22 the Panel, or 20% of the amount levied for educational
23 purposes for the prior year, whichever is less. However, no
24 district shall be required to levy the tax if the district's
25 operating tax rate as determined under Section 18-8, 18-8.05,
26 or 18-8.15 exceeds 200% of the district's tax rate for

1 educational purposes for the prior year.

2 (Source: P.A. 100-465, eff. 8-31-17.)

3 (105 ILCS 5/1E-35)

4 (This Section scheduled to be repealed in accordance with
5 105 ILCS 5/1E-165)

6 Sec. 1E-35. Chief educational officer. Upon expiration of
7 the contract of the school district's superintendent who is
8 serving at the time the Authority is established, the
9 Authority shall, following consultation with the district,
10 employ a chief educational officer for the district. The chief
11 educational officer shall report to the Authority or the chief
12 executive officer appointed by the Authority.

13 The chief educational officer shall have authority to
14 determine the agenda and order of business at school board
15 meetings, as needed in order to carry forward and implement
16 the objectives and priorities of the Authority in the
17 administration and management of the district.

18 The chief educational officer shall have all of the powers
19 and duties of a school district superintendent under this Code
20 and such other duties as may be assigned by the Authority, in
21 accordance with this Code. The district shall not thereafter
22 employ a superintendent during the period that a chief
23 educational officer is serving in the district. The chief
24 educational officer shall hold a Professional Educator License
25 ~~certificate~~ with a superintendent endorsement issued under

1 Article 21B 21 of this Code.

2 (Source: P.A. 94-234, eff. 7-14-05.)

3 (105 ILCS 5/1E-40)

4 (This Section scheduled to be repealed in accordance with
5 105 ILCS 5/1E-165)

6 Sec. 1E-40. Chief fiscal officer. The Authority may
7 appoint a chief fiscal officer who, under the direction of the
8 Authority, shall have all of the powers and duties of the
9 district's chief school business official and any other duties
10 regarding budgeting, accounting, and other financial matters
11 that are assigned by the Authority, in accordance with this
12 Code. The district may not employ a chief school business
13 official during the period that the chief fiscal officer is
14 serving in the district. The chief fiscal officer may but is
15 not required to hold an educator license ~~a certificate~~ with a
16 chief school business official endorsement issued under
17 Article 21B 21 of this Code.

18 (Source: P.A. 92-547, eff. 6-13-02.)

19 (105 ILCS 5/1H-30)

20 Sec. 1H-30. Employees. The Panel may employ individuals
21 under this Section if it is so warranted. These individuals
22 may include any of the following:

23 (1) A chief executive officer who shall supervise the
24 Panel's staff, including the chief educational officer and

1 the chief fiscal officer, and shall have ultimate
2 responsibility for implementing the policies, procedures,
3 directives, and decisions of the Panel. The chief
4 executive officer shall have the authority to determine
5 the agenda and order of business at school board meetings,
6 as needed in order to carry forward and implement the
7 objectives and priorities of the school board and
8 Financial Oversight Panel in the administration and
9 management of the district. This individual is not
10 required to hold any license ~~certificate~~ issued under
11 Article 21B ~~21~~ of this Code. The chief executive officer
12 shall have the powers and duties as assigned by the Panel
13 in accordance with this Code.

14 (2) A chief educational officer, who may be employed
15 by the Panel if there is no superintendent in the district
16 or if the Panel, at a regular or special meeting, finds
17 that cause exists to cancel the contract of the district's
18 superintendent who is serving at the time the Panel is
19 established. Cancellation of an existing superintendent
20 contract may be done only pursuant to the same
21 requirements and in the same manner as the school board
22 may cancel the contract. A chief educational officer
23 employed under this subdivision (2) shall have the powers
24 and duties of a school district superintendent under this
25 Code and such other duties as may be assigned by the Panel
26 in accordance with this Code.

1 (3) A chief fiscal officer, who may be employed by the
2 Panel. This individual shall be under the direction of the
3 Panel or the chief executive officer employed by the Panel
4 and shall have all of the powers and duties of the
5 district's chief school business official and any other
6 duties regarding budgeting, accounting, and other
7 financial matters that are assigned by the Panel, in
8 accordance with this Code.

9 (4) A superintendent, who shall be under the direction
10 of the Panel or the chief executive officer employed by
11 the Panel and shall have all of the powers and duties of a
12 school district superintendent under this Code assigned by
13 the Panel and such other duties as may be assigned by the
14 Panel in accordance with this Code.

15 (5) A chief school business official, who shall have
16 all of the powers and duties of a chief school business
17 official under this Code assigned by the Panel and such
18 other duties as may be assigned by the Panel in accordance
19 with this Code.

20 An individual employed by the Panel as a superintendent or
21 a chief school business official under this Section must hold
22 the appropriate license ~~certification~~ for these positions.
23 Individuals employed by the Panel as a chief executive
24 officer, chief educational officer, or chief fiscal officer
25 under this Section are not required to hold licensure
26 ~~certification~~. A chief educational officer under this Section

1 must not be employed by the Panel during a period a
2 superintendent is employed by the district and a chief fiscal
3 officer under this Section must not be employed by the Panel
4 during a period a chief school business official is employed
5 by the district.

6 Individuals employed under subdivision (2), (3), (4), or
7 (5) of this Section shall report to the Panel or to the chief
8 executive officer under this Section if there is one.

9 (Source: P.A. 97-429, eff. 8-16-11.)

10 (105 ILCS 5/2-3.9) (from Ch. 122, par. 2-3.9)

11 Sec. 2-3.9. Grant and suspend teachers' licenses
12 ~~certificates~~. Subject to the provisions of Article 21B ~~21~~, to
13 grant licenses ~~certificates~~ to such teachers as may be found
14 qualified to receive them and to suspend the operation of any
15 State license ~~certificate~~ for immorality or other
16 unprofessional conduct.

17 (Source: Laws 1961, p. 31.)

18 (105 ILCS 5/2-3.11d)

19 Sec. 2-3.11d. Data on tests required for teacher
20 preparation and licensure ~~certification~~. ~~To Beginning with the~~
21 ~~effective date of this amendatory Act of the 94th General~~
22 ~~Assembly, to~~ collect and maintain all of the following data
23 for each institution of higher education engaged in teacher
24 preparation in this State:

1 (1) (Blank). ~~The number of individuals taking the test~~
2 ~~of basic skills under Section 21-1a of this Code.~~

3 (2) (Blank). ~~The number of individuals passing the~~
4 ~~test of basic skills under Section 21-1a of this Code.~~

5 (3) The total number of content area ~~subject matter~~
6 tests attempted under Section 21B-30 ~~21-1a~~ of this Code.

7 (4) The total number of content area ~~subject matter~~
8 tests passed under Section 21B-30 ~~21-1a~~ of this Code.

9 The data regarding content-area ~~subject matter~~ tests shall be
10 reported in sum, rather than by separately listing each
11 content area ~~subject~~, in order to better protect the identity
12 of the test-takers.

13 On or before August 1, 2007, the State Board of Education
14 shall file with the General Assembly and the Governor and
15 shall make available to the public a report listing the
16 institutions of higher education engaged in teacher
17 preparation in this State, along with the data listed in items
18 (1) and (2) of this Section pertinent to each institution.

19 On or before October 1, 2012 and every 3 years thereafter,
20 the State Board of Education shall file with the General
21 Assembly and the Governor and shall make available to the
22 public a report listing the institutions of higher education
23 engaged in teacher preparation in this State, along with the
24 data listed in items (1) through (4) of this Section pertinent
25 to each institution.

26 (Source: P.A. 96-1423, eff. 8-3-10.)

1 (105 ILCS 5/2-3.25i) (from Ch. 122, par. 2-3.25i)

2 Sec. 2-3.25i. Rules. The State Board of Education shall
3 promulgate rules and regulations necessary to implement the
4 provisions of Public Act 87-559 and this amendatory Act of the
5 93rd General Assembly. The State Board of Education may waive
6 any of its rules or regulations which conflict with Public Act
7 87-559 or this amendatory Act of the 93rd General Assembly
8 except those requirements for special education and teacher
9 licensure ~~certification~~.

10 (Source: P.A. 93-470, eff. 8-8-03.)

11 (105 ILCS 5/2-3.103) (from Ch. 122, par. 2-3.103)

12 Sec. 2-3.103. Salary and benefit survey. For each school
13 year ~~commencing on or after January 1, 1992~~, the State Board of
14 Education shall conduct, in each school district, a school
15 district salary and benefits survey covering the district's
16 licensed ~~certificated~~ and educational support personnel.
17 However, the collection of information covering educational
18 support personnel must be limited to districts with 1,000 or
19 more students enrolled.

20 A survey form shall be developed and furnished by the
21 State Board of Education to each school district on or before
22 October 1 of the school year covered by the survey, and each
23 school district shall submit a completed survey to the State
24 Board of Education on or before February 1 of the school year

1 covered by the survey.

2 The State Board of Education shall compile, by April 30 of
3 the school year covered by the survey, a statewide salary and
4 benefit survey report based upon the surveys completed and
5 submitted for that school year by the individual school
6 districts as required by this Section, and shall make the
7 survey report available to all school districts and to all
8 "employee organizations" as defined in Section 2 of the
9 Illinois Educational Labor Relations Act.

10 The data required to be reported by each school district
11 on the salary and benefits survey developed and furnished
12 under this Section for the school year covered by the survey
13 shall include, but shall not be limited to, the following:

14 (1) the district's estimated fall enrollment;
15 (2) with respect to both its licensed ~~certificated~~ and
16 educational support personnel employees:

17 (A) whether the district has a salary schedule,
18 salary policy but no salary schedule, or no salary
19 policy and no salary schedule;

20 (B) when each such salary schedule or policy of
21 the district was or will be adopted;

22 (C) whether there is a negotiated agreement
23 between the school board and any teacher, educational
24 support personnel or other employee organization and,
25 if so, the affiliation of the local of such
26 organization, together with the month and year of

1 expiration of the negotiated agreement and whether it
2 contains a fair share provision; and if there is no
3 such negotiated agreement but the district does have a
4 salary schedule or policy, a brief explanation of the
5 manner in which each such salary schedule or policy
6 was developed prior to its adoption by the school
7 board, including a statement of whether any meetings
8 between the school board and the superintendent
9 leading up to adoption of the salary schedule or
10 policy were based upon, or were conducted without any
11 discussions between the superintendent and the
12 affected teachers, educational support personnel or
13 other employees;

14 (D) whether the district's salary program,
15 policies or provisions are based upon merit or
16 performance evaluation of individual teachers,
17 educational support personnel or other employees, and
18 whether they include: severance pay provisions; early
19 retirement incentives; sick leave bank provisions;
20 sick leave accumulation provisions and, if so, to how
21 many days; personal, business or emergency leave with
22 pay and, if so, the number of days; or direct
23 reimbursement in whole or in part for expenses, such
24 as tuition and materials, incurred in acquiring
25 additional college credit;

26 (E) whether school board paid or tax sheltered

1 retirement contributions are included in any existing
2 salary schedule or policy of the school district; what
3 percent (if any) of the salary of each different
4 licensed ~~certified~~ and educational support personnel
5 employee classification (using the employee salary
6 which reflects the highest regularly scheduled step in
7 that classification on the salary schedule or policy
8 of the district) is school board paid to an employee
9 retirement system; the highest scheduled salary and
10 the level of education or training required to reach
11 the highest scheduled salary in each licensed
12 ~~certified~~ and educational support personnel employee
13 classification; using annual salaries from the school
14 board's salary schedule or policy for each licensed
15 ~~certified~~ and educational support personnel employee
16 classification (and excluding from such salaries items
17 of individual compensation resulting from
18 extra-curricular duties, employment beyond the regular
19 school year and longevity service pay, but including
20 additional compensation such as grants and cost of
21 living bonuses that are received by all employees in a
22 classification or by all employees in a classification
23 who are at the maximum experience level), the
24 beginning, maximum and specified intermediate salaries
25 reported to an employee retirement system (including
26 school board paid or tax sheltered retirement

1 contributions, but excluding fringe benefits) for each
2 educational or training category within each licensed
3 ~~certified~~ and educational support personnel employee
4 classification; and the completed years of experience
5 required to reach such maximum regularly scheduled and
6 highest scheduled salaries;

7 (F) whether the school district provides longevity
8 pay beyond the last annual regular salary increase
9 available under the district's salary schedule or
10 policy; and if so, the maximum earnings with longevity
11 for each educational or training category specified by
12 the State Board of Education in its survey form (based
13 on salary reported to an employee's retirement system,
14 including school board paid and tax sheltered
15 retirement contributions, but excluding fringe
16 benefits, and with maximum longevity step numbers and
17 completed years of experience computed as provided in
18 the survey form);

19 (G) for each dental, disability, hospitalization,
20 life, prescription or vision insurance plan, cafeteria
21 plan or other fringe benefit plan sponsored by the
22 school board: (i) a statement of whether such plan is
23 available to full time teachers or other licensed
24 ~~certificated~~ personnel covered by a district salary
25 schedule or policy, whether such plan is available to
26 full time educational support personnel covered by a

1 district salary schedule or policy, and whether all
2 full time employees to whom coverage under such plan
3 is available are entitled to receive the same benefits
4 under that plan; and (ii) the total annual cost of
5 coverage under that plan for a covered full time
6 employee who is at the highest regularly scheduled
7 step on the salary schedule or policy of the district
8 applicable to such employee, the percent of that total
9 annual cost paid by the school board, the total annual
10 cost of coverage under that plan for the family of that
11 employee, and the percent of that total annual cost
12 for family coverage paid by the school board.

13 In addition, each school district shall provide to the
14 State Board of Education, on or before February 1 of the school
15 year covered by the survey, as required by this Section, a copy
16 of each salary schedule, salary policy, and negotiated
17 agreement which is identified or otherwise referred to in the
18 completed survey form.

19 (Source: P.A. 96-1423, eff. 8-3-10.)

20 (105 ILCS 5/2-3.146)

21 Sec. 2-3.146. Severely overcrowded schools grant program.
22 There is created a grant program, subject to appropriation,
23 for severely overcrowded schools. The State Board of Education
24 shall administer the program. Grant funds may be used for
25 purposes of relieving overcrowding. In order for a school

1 district to be eligible for a grant under this Section, (i) the
2 main administrative office of the district must be located in
3 a city of 85,000 or more in population, according to the 2000
4 U.S. Census, and (ii) the school district must have a
5 district-wide percentage of low-income students of 70% or
6 more, as identified by the 2005-2006 School Report Cards
7 published by the State Board of Education, ~~and (iii) the~~
8 ~~school district must not be eligible for a fast growth grant~~
9 ~~under Section 18-8.10 of this Code.~~ The State Board of
10 Education shall distribute the funds on a proportional basis
11 with no single district receiving more than 75% of the funds in
12 any given year. The State Board of Education may adopt rules as
13 needed for the implementation and distribution of grants under
14 this Section.

15 (Source: P.A. 95-707, eff. 1-11-08.)

16 (105 ILCS 5/10-21.7) (from Ch. 122, par. 10-21.7)

17 Sec. 10-21.7. Attacks on school personnel.

18 (a) In the Section, "school" means any public or private
19 elementary or secondary school.

20 (b) Upon receipt of a written complaint from any school
21 personnel, the school superintendent, ~~or other appropriate~~
22 ~~administrative officer for a private school~~, shall report all
23 incidents of battery committed against teachers, teacher
24 personnel, administrative personnel or educational support
25 personnel to the local law enforcement authorities immediately

1 after the occurrence of the attack. Schools shall also report
2 all of these incidents to the State Board of Education through
3 existing school incident reporting systems as they occur
4 during the year by no later than August 1 for the preceding
5 school year. The State Board of Education shall report data by
6 school district, as collected from school districts, in an
7 annual report of attacks on school personnel and make it
8 available to the public via its website. The local law
9 enforcement authority shall, by March 1 of each year, report
10 the required data from the previous year to the Illinois State
11 Police's Illinois Uniform Crime Reporting Program. ~~and to the~~
12 ~~Illinois State Police's Illinois Uniform Crime Reporting~~
13 ~~Program no later than 3 days after the occurrence of the~~
14 ~~attack. The State Board of Education shall receive monthly as~~
15 ~~well as annual statistical compilations of attacks on school~~
16 ~~personnel from the Illinois State Police through the Illinois~~
17 ~~Uniform Crime Reporting Program. The State Board of Education~~
18 ~~shall compile this information by school district and make it~~
19 ~~available to the public.~~

20 (Source: P.A. 102-538, eff. 8-20-21.)

21 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

22 Sec. 10-21.9. Criminal history records checks and checks
23 of the Statewide Sex Offender Database and Statewide Murderer
24 and Violent Offender Against Youth Database.

25 (a) Licensed and nonlicensed applicants for employment

1 with a school district, except school bus driver applicants,
2 are required as a condition of employment to authorize a
3 fingerprint-based criminal history records check to determine
4 if such applicants have been convicted of any disqualifying,
5 enumerated criminal or drug offenses in subsection (c) of this
6 Section or have been convicted, within 7 years of the
7 application for employment with the school district, of any
8 other felony under the laws of this State or of any offense
9 committed or attempted in any other state or against the laws
10 of the United States that, if committed or attempted in this
11 State, would have been punishable as a felony under the laws of
12 this State. Authorization for the check shall be furnished by
13 the applicant to the school district, except that if the
14 applicant is a substitute teacher seeking employment in more
15 than one school district, a teacher seeking concurrent
16 part-time employment positions with more than one school
17 district (as a reading specialist, special education teacher
18 or otherwise), or an educational support personnel employee
19 seeking employment positions with more than one district, any
20 such district may require the applicant to furnish
21 authorization for the check to the regional superintendent of
22 the educational service region in which are located the school
23 districts in which the applicant is seeking employment as a
24 substitute or concurrent part-time teacher or concurrent
25 educational support personnel employee. Upon receipt of this
26 authorization, the school district or the appropriate regional

1 superintendent, as the case may be, shall submit the
2 applicant's name, sex, race, date of birth, social security
3 number, fingerprint images, and other identifiers, as
4 prescribed by the Illinois State Police, to the Illinois State
5 Police. The regional superintendent submitting the requisite
6 information to the Illinois State Police shall promptly notify
7 the school districts in which the applicant is seeking
8 employment as a substitute or concurrent part-time teacher or
9 concurrent educational support personnel employee that the
10 check of the applicant has been requested. The Illinois State
11 Police and the Federal Bureau of Investigation shall furnish,
12 pursuant to a fingerprint-based criminal history records
13 check, records of convictions, forever and hereinafter, until
14 expunged, to the president of the school board for the school
15 district that requested the check, or to the regional
16 superintendent who requested the check. The Illinois State
17 Police shall charge the school district or the appropriate
18 regional superintendent a fee for conducting such check, which
19 fee shall be deposited in the State Police Services Fund and
20 shall not exceed the cost of the inquiry; and the applicant
21 shall not be charged a fee for such check by the school
22 district or by the regional superintendent, except that those
23 applicants seeking employment as a substitute teacher with a
24 school district may be charged a fee not to exceed the cost of
25 the inquiry. Subject to appropriations for these purposes, the
26 State Superintendent of Education shall reimburse school

1 districts and regional superintendents for fees paid to obtain
2 criminal history records checks under this Section.

3 (a-5) The school district or regional superintendent shall
4 further perform a check of the Statewide Sex Offender
5 Database, as authorized by the Sex Offender Community
6 Notification Law, for each applicant. The check of the
7 Statewide Sex Offender Database must be conducted by the
8 school district or regional superintendent once for every 5
9 years that an applicant remains employed by the school
10 district.

11 (a-6) The school district or regional superintendent shall
12 further perform a check of the Statewide Murderer and Violent
13 Offender Against Youth Database, as authorized by the Murderer
14 and Violent Offender Against Youth Community Notification Law,
15 for each applicant. The check of the Murderer and Violent
16 Offender Against Youth Database must be conducted by the
17 school district or regional superintendent once for every 5
18 years that an applicant remains employed by the school
19 district.

20 (b) Any information concerning the record of convictions
21 obtained by the president of the school board or the regional
22 superintendent shall be confidential and may only be
23 transmitted to the superintendent of the school district or
24 his designee, the appropriate regional superintendent if the
25 check was requested by the school district, the presidents of
26 the appropriate school boards if the check was requested from

1 the Illinois State Police by the regional superintendent, the
2 State Board of Education and a school district as authorized
3 under subsection (b-5), the State Superintendent of Education,
4 the State Educator Preparation and Licensure Board, any other
5 person necessary to the decision of hiring the applicant for
6 employment, or for clarification purposes the Illinois State
7 Police or Statewide Sex Offender Database, or both. A copy of
8 the record of convictions obtained from the Illinois State
9 Police shall be provided to the applicant for employment. Upon
10 the check of the Statewide Sex Offender Database or Statewide
11 Murderer and Violent Offender Against Youth Database, the
12 school district or regional superintendent shall notify an
13 applicant as to whether or not the applicant has been
14 identified in the Database. If a check of an applicant for
15 employment as a substitute or concurrent part-time teacher or
16 concurrent educational support personnel employee in more than
17 one school district was requested by the regional
18 superintendent, and the Illinois State Police upon a check
19 ascertains that the applicant has not been convicted of any of
20 the enumerated criminal or drug offenses in subsection (c) of
21 this Section or has not been convicted, within 7 years of the
22 application for employment with the school district, of any
23 other felony under the laws of this State or of any offense
24 committed or attempted in any other state or against the laws
25 of the United States that, if committed or attempted in this
26 State, would have been punishable as a felony under the laws of

1 this State and so notifies the regional superintendent and if
2 the regional superintendent upon a check ascertains that the
3 applicant has not been identified in the Sex Offender Database
4 or Statewide Murderer and Violent Offender Against Youth
5 Database, then the regional superintendent shall issue to the
6 applicant a certificate evidencing that as of the date
7 specified by the Illinois State Police the applicant has not
8 been convicted of any of the enumerated criminal or drug
9 offenses in subsection (c) of this Section or has not been
10 convicted, within 7 years of the application for employment
11 with the school district, of any other felony under the laws of
12 this State or of any offense committed or attempted in any
13 other state or against the laws of the United States that, if
14 committed or attempted in this State, would have been
15 punishable as a felony under the laws of this State and
16 evidencing that as of the date that the regional
17 superintendent conducted a check of the Statewide Sex Offender
18 Database or Statewide Murderer and Violent Offender Against
19 Youth Database, the applicant has not been identified in the
20 Database. The school board of any school district may rely on
21 the certificate issued by any regional superintendent to that
22 substitute teacher, concurrent part-time teacher, or
23 concurrent educational support personnel employee or may
24 initiate its own criminal history records check of the
25 applicant through the Illinois State Police and its own check
26 of the Statewide Sex Offender Database or Statewide Murderer

1 and Violent Offender Against Youth Database as provided in
2 this Section. Any unauthorized release of confidential
3 information may be a violation of Section 7 of the Criminal
4 Identification Act.

5 (b-5) If a criminal history records check or check of the
6 Statewide Sex Offender Database or Statewide Murderer and
7 Violent Offender Against Youth Database is performed by a
8 regional superintendent for an applicant seeking employment as
9 a substitute teacher with a school district, the regional
10 superintendent may disclose to the State Board of Education
11 whether the applicant has been issued a certificate under
12 subsection (b) based on those checks. If the State Board
13 receives information on an applicant under this subsection,
14 then it must indicate in the Educator Licensure Information
15 System for a 90-day period that the applicant has been issued
16 or has not been issued a certificate.

17 (c) No school board shall knowingly employ a person who
18 has been convicted of any offense that would subject him or her
19 to license suspension or revocation pursuant to Section 21B-80
20 of this Code, except as provided under subsection (b) of
21 Section 21B-80. Further, no school board shall knowingly
22 employ a person who has been found to be the perpetrator of
23 sexual or physical abuse of any minor under 18 years of age
24 pursuant to proceedings under Article II of the Juvenile Court
25 Act of 1987. As a condition of employment, each school board
26 must consider the status of a person who has been issued an

1 indicated finding of abuse or neglect of a child by the
2 Department of Children and Family Services under the Abused
3 and Neglected Child Reporting Act or by a child welfare agency
4 of another jurisdiction.

5 (d) No school board shall knowingly employ a person for
6 whom a criminal history records check and a Statewide Sex
7 Offender Database check have not been initiated.

8 (e) Within 10 days after a superintendent, regional office
9 of education, or entity that provides background checks of
10 license holders to public schools receives information of a
11 pending criminal charge against a license holder for an
12 offense set forth in Section 21B-80 of this Code, the
13 superintendent, regional office of education, or entity must
14 notify the State Superintendent of Education of the pending
15 criminal charge.

16 If permissible by federal or State law, no later than 15
17 business days after receipt of a record of conviction or of
18 checking the Statewide Murderer and Violent Offender Against
19 Youth Database or the Statewide Sex Offender Database and
20 finding a registration, the superintendent of the employing
21 school board or the applicable regional superintendent shall,
22 in writing, notify the State Superintendent of Education of
23 any license holder who has been convicted of a crime set forth
24 in Section 21B-80 of this Code. Upon receipt of the record of a
25 conviction of or a finding of child abuse by a holder of any
26 license issued pursuant to Article 21B or Section 34-8.1 ~~or~~

1 ~~34-83~~ of this ~~the School~~ Code, the State Superintendent of
2 Education may initiate licensure suspension and revocation
3 proceedings as authorized by law. If the receipt of the record
4 of conviction or finding of child abuse is received within 6
5 months after the initial grant of or renewal of a license, the
6 State Superintendent of Education may rescind the license
7 holder's license.

8 (e-5) The superintendent of the employing school board
9 shall, in writing, notify the State Superintendent of
10 Education and the applicable regional superintendent of
11 schools of any license holder whom he or she has reasonable
12 cause to believe has committed an intentional act of abuse or
13 neglect with the result of making a child an abused child or a
14 neglected child, as defined in Section 3 of the Abused and
15 Neglected Child Reporting Act, and that act resulted in the
16 license holder's dismissal or resignation from the school
17 district. This notification must be submitted within 30 days
18 after the dismissal or resignation and must include the
19 Illinois Educator Identification Number (IEIN) of the license
20 holder and a brief description of the misconduct alleged. The
21 license holder must also be contemporaneously sent a copy of
22 the notice by the superintendent. All correspondence,
23 documentation, and other information so received by the
24 regional superintendent of schools, the State Superintendent
25 of Education, the State Board of Education, or the State
26 Educator Preparation and Licensure Board under this subsection

1 (e-5) is confidential and must not be disclosed to third
2 parties, except (i) as necessary for the State Superintendent
3 of Education or his or her designee to investigate and
4 prosecute pursuant to Article 21B of this Code, (ii) pursuant
5 to a court order, (iii) for disclosure to the license holder or
6 his or her representative, or (iv) as otherwise provided in
7 this Article and provided that any such information admitted
8 into evidence in a hearing is exempt from this confidentiality
9 and non-disclosure requirement. Except for an act of willful
10 or wanton misconduct, any superintendent who provides
11 notification as required in this subsection (e-5) shall have
12 immunity from any liability, whether civil or criminal or that
13 otherwise might result by reason of such action.

14 (f) After January 1, 1990 the provisions of this Section
15 shall apply to all employees of persons or firms holding
16 contracts with any school district including, but not limited
17 to, food service workers, school bus drivers and other
18 transportation employees, who have direct, daily contact with
19 the pupils of any school in such district. For purposes of
20 criminal history records checks and checks of the Statewide
21 Sex Offender Database on employees of persons or firms holding
22 contracts with more than one school district and assigned to
23 more than one school district, the regional superintendent of
24 the educational service region in which the contracting school
25 districts are located may, at the request of any such school
26 district, be responsible for receiving the authorization for a

1 criminal history records check prepared by each such employee
2 and submitting the same to the Illinois State Police and for
3 conducting a check of the Statewide Sex Offender Database for
4 each employee. Any information concerning the record of
5 conviction and identification as a sex offender of any such
6 employee obtained by the regional superintendent shall be
7 promptly reported to the president of the appropriate school
8 board or school boards.

9 (f-5) Upon request of a school or school district, any
10 information obtained by a school district pursuant to
11 subsection (f) of this Section within the last year must be
12 made available to the requesting school or school district.

13 (g) Prior to the commencement of any student teaching
14 experience or required internship (which is referred to as
15 student teaching in this Section) in the public schools, a
16 student teacher is required to authorize a fingerprint-based
17 criminal history records check. Authorization for and payment
18 of the costs of the check must be furnished by the student
19 teacher to the school district where the student teaching is
20 to be completed. Upon receipt of this authorization and
21 payment, the school district shall submit the student
22 teacher's name, sex, race, date of birth, social security
23 number, fingerprint images, and other identifiers, as
24 prescribed by the Illinois State Police, to the Illinois State
25 Police. The Illinois State Police and the Federal Bureau of
26 Investigation shall furnish, pursuant to a fingerprint-based

1 criminal history records check, records of convictions,
2 forever and hereinafter, until expunged, to the president of
3 the school board for the school district that requested the
4 check. The Illinois State Police shall charge the school
5 district a fee for conducting the check, which fee must not
6 exceed the cost of the inquiry and must be deposited into the
7 State Police Services Fund. The school district shall further
8 perform a check of the Statewide Sex Offender Database, as
9 authorized by the Sex Offender Community Notification Law, and
10 of the Statewide Murderer and Violent Offender Against Youth
11 Database, as authorized by the Murderer and Violent Offender
12 Against Youth Registration Act, for each student teacher. No
13 school board may knowingly allow a person to student teach for
14 whom a criminal history records check, a Statewide Sex
15 Offender Database check, and a Statewide Murderer and Violent
16 Offender Against Youth Database check have not been completed
17 and reviewed by the district.

18 A copy of the record of convictions obtained from the
19 Illinois State Police must be provided to the student teacher.
20 Any information concerning the record of convictions obtained
21 by the president of the school board is confidential and may
22 only be transmitted to the superintendent of the school
23 district or his or her designee, the State Superintendent of
24 Education, the State Educator Preparation and Licensure Board,
25 or, for clarification purposes, the Illinois State Police or
26 the Statewide Sex Offender Database or Statewide Murderer and

1 Violent Offender Against Youth Database. Any unauthorized
2 release of confidential information may be a violation of
3 Section 7 of the Criminal Identification Act.

4 No school board shall knowingly allow a person to student
5 teach who has been convicted of any offense that would subject
6 him or her to license suspension or revocation pursuant to
7 subsection (c) of Section 21B-80 of this Code, except as
8 provided under subsection (b) of Section 21B-80. Further, no
9 school board shall allow a person to student teach if he or she
10 has been found to be the perpetrator of sexual or physical
11 abuse of a minor under 18 years of age pursuant to proceedings
12 under Article II of the Juvenile Court Act of 1987. Each school
13 board must consider the status of a person to student teach who
14 has been issued an indicated finding of abuse or neglect of a
15 child by the Department of Children and Family Services under
16 the Abused and Neglected Child Reporting Act or by a child
17 welfare agency of another jurisdiction.

18 (h) (Blank).

19 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;
20 101-643, eff. 6-18-20; 102-538, eff. 8-20-21; 102-552, eff.
21 1-1-22; revised 10-6-21.)

22 (105 ILCS 5/10-22.18) (from Ch. 122, par. 10-22.18)

23 Sec. 10-22.18. Kindergartens. To establish kindergartens
24 for the instruction of children between the ages of 4 and 6
25 years, if in their judgment the public interest requires it,

1 and to pay the necessary expenses thereof out of the school
2 funds of the district. Upon petition of at least 50 parents or
3 guardians of children between the ages of 4 and 6, residing
4 within any school district and within one mile of the public
5 school where such kindergarten is proposed to be established,
6 the board of directors shall, if funds are available,
7 establish a kindergarten in connection with the public school
8 designated in the petition and maintain it as long as the
9 annual average daily attendance therein is not less than 15.
10 The board may establish a kindergarten with half-day
11 attendance or with full-day attendance. If the board
12 establishes full-day kindergarten, it shall also establish
13 half-day kindergarten. No one shall be employed to teach in a
14 kindergarten who does not hold a license ~~certificate~~ as
15 provided by law.

16 (Source: P.A. 84-1308.)

17 (105 ILCS 5/10-22.23) (from Ch. 122, par. 10-22.23)

18 Sec. 10-22.23. School Nurse. To employ a registered
19 professional nurse and define the duties of the school nurse
20 within the guidelines of rules and regulations promulgated by
21 the State Board of Education. Any school nurse first employed
22 on or after July 1, 1976, whose duties require teaching or the
23 exercise of instructional judgment or educational evaluation
24 of pupils, must be licensed ~~certificated~~ under Section 21B-25
25 ~~21-25~~ of this Code ~~Act~~. School districts may employ

1 ~~nonlicensed non-certificated~~ registered professional nurses to
2 perform professional nursing services.

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

4 (105 ILCS 5/10-22.23a) (from Ch. 122, par. 10-22.23a)

5 Sec. 10-22.23a. Chief school business official. To employ
6 a chief school business official and define the duties of the
7 chief school business official. Any chief school business
8 official first employed on or after July 1, 1977 shall be
9 licensed ~~certificated~~ under Article 21B ~~Section 21-7.1~~. For
10 the purposes of this Section, experience as a school business
11 official in an Illinois public school district prior to July
12 1, 1977 shall be deemed the equivalent of licensure
13 ~~certification~~.

14 (Source: P.A. 82-387.)

15 (105 ILCS 5/10-22.24a) (from Ch. 122, par. 10-22.24a)

16 Sec. 10-22.24a. School counselor. To employ school
17 counselors. A school counselor is a qualified specialist who
18 holds a Professional Educator License with a school support
19 personnel endorsement in the area of school counseling ~~School~~
20 ~~Service Personnel certificate endorsed in school counseling~~
21 issued pursuant to Section 21B-25 ~~21-25~~ of this Code and who
22 either (i) holds or is qualified for an elementary, secondary,
23 special K-12, or special preschool-age 22 endorsement on a
24 Professional Educator License ~~21 certificate~~ issued pursuant

1 to Section 21B-20 or 21B-25 ~~21-2 or 21-4~~ of this Code or (ii)
2 in lieu of holding or qualifying for a teaching endorsement on
3 a Professional Educator License certificate, has fulfilled
4 such other requirements as the State Board of Education ~~and~~
5 ~~the State Teacher Certification Board~~ may by rule establish.
6 An individual who has completed an approved program in another
7 state may apply for a Professional Educator License ~~School~~
8 ~~Service Personnel certificate~~ endorsed in school counseling
9 and shall receive such a license certificate if a review of his
10 or her credentials indicates that he or she meets the
11 additional requirements of this Section. Only persons so
12 licensed and endorsed may use the title "school counselor".
13 (Source: P.A. 100-1136, eff. 1-1-19.)

14 (105 ILCS 5/10-22.34) (from Ch. 122, par. 10-22.34)
15 Sec. 10-22.34. Nonlicensed ~~Non-certificated~~ personnel.
16 (a) School Boards may employ non-teaching personnel or
17 utilize volunteer personnel for: (1) non-teaching duties not
18 requiring instructional judgment or evaluation of pupils; and
19 (2) supervising study halls, long distance teaching reception
20 areas used incident to instructional programs transmitted by
21 electronic media such as computers, video, and audio, and
22 detention and discipline areas, and school-sponsored
23 extracurricular activities.
24 (b) School boards may further utilize volunteer
25 nonlicensed ~~non-certificated~~ personnel or employ nonlicensed

1 ~~non-certificated~~ personnel to assist in the instruction of
2 pupils under the immediate supervision of a teacher, holding a
3 valid license ~~certificate~~, directly engaged in teaching
4 subject matter or conducting activities. The teacher shall be
5 continuously aware of the nonlicensed ~~non-certificated~~
6 persons' activities and shall be able to control or modify
7 them. The State Board of Education, in consultation with the
8 State Educator Preparation and Licensure ~~Teacher Certification~~
9 Board, shall determine qualifications of such personnel and
10 shall prescribe rules for determining the duties and
11 activities to be assigned to such personnel. In the
12 determination of qualifications of such personnel, the State
13 Board of Education shall accept coursework earned in a
14 recognized institution or from an institution of higher
15 learning accredited by the North Central Association or other
16 comparable regional accrediting association and shall accept
17 qualifications based on relevant life experiences as
18 determined by the State Board of Education by rule.

19 (b-5) A school board may utilize volunteer personnel from
20 a regional School Crisis Assistance Team (S.C.A.T.), created
21 as part of the Safe to Learn Program established pursuant to
22 Section 25 of the Illinois Violence Prevention Act of 1995, to
23 provide assistance to schools in times of violence or other
24 traumatic incidents within a school community by providing
25 crisis intervention services to lessen the effects of
26 emotional trauma on individuals and the community. The School

1 Crisis Assistance Team Steering Committee shall determine the
2 qualifications for volunteers.

3 (c) School boards may also employ students holding a
4 bachelor's degree from a recognized institution of higher
5 learning as teaching interns when such students are enrolled
6 in a college or university internship program, which has prior
7 approval by the State Board of Education, in consultation with
8 the State Educator Preparation and Licensure ~~Teacher~~
9 ~~Certification~~ Board, leading to a masters degree.

10 Regional offices of education have the authority to
11 initiate and collaborate with institutions of higher learning
12 to establish internship programs referenced in this subsection
13 (c). The State Board of Education has 90 days from receiving a
14 written proposal to establish the internship program to seek
15 the State Educator Preparation and Licensure ~~Teacher~~
16 ~~Certification~~ Board's consultation on the internship program.
17 If the State Board of Education does not consult the State
18 Educator Preparation and Licensure ~~Teacher Certification~~ Board
19 within 90 days, the regional office of education may seek the
20 State Educator Preparation and Licensure ~~Teacher Certification~~
21 Board's consultation without the State Board of Education's
22 approval.

23 (d) Nothing in this Section shall require constant
24 supervision of a student teacher enrolled in a student
25 teaching course at a college or university, provided such
26 activity has the prior approval of the representative of the

1 higher education institution and teaching plans have
2 previously been discussed with and approved by the supervising
3 teacher and further provided that such teaching is within
4 guidelines established by the State Board of Education in
5 consultation with the State Educator Preparation and Licensure
6 ~~Teacher Certification~~ Board.

7 (Source: P.A. 92-200, eff. 1-1-02; 92-724, eff. 7-25-02;
8 93-332, eff. 1-1-04.)

9 (105 ILCS 5/10-22.34a) (from Ch. 122, par. 10-22.34a)

10 Sec. 10-22.34a. Supervision of non-academic activities. To
11 designate nonlicensed ~~non-certificated~~ persons of good
12 character to serve as supervisors, chaperones or sponsors,
13 either on a voluntary or on a compensated basis, for school
14 activities not connected with the academic program of the
15 schools.

16 (Source: Laws 1967, p. 1029.)

17 (105 ILCS 5/10-22.34b) (from Ch. 122, par. 10-22.34b)

18 Sec. 10-22.34b. Utilization of nonlicensed ~~noncertificated~~
19 personnel. To utilize nonlicensed ~~noncertificated~~ persons,
20 under the direction of a licensed ~~certificated~~ teacher, for
21 providing specialized instruction related to a course assigned
22 to the licensed ~~certificated~~ teacher on a regular basis, not
23 otherwise readily available in the immediate school
24 environment, in the fields for which they are particularly

1 qualified by reason of their specialized knowledge or skills.
2 The duration of the instruction shall be determined by the
3 licensed ~~certificated~~ teacher under whose direction the
4 program is conducted in view of the educational need to be
5 satisfied.

6 Before a nonlicensed ~~noncertificated~~ person may be
7 utilized for such specialized instruction, the school board
8 must secure the written approval of the regional
9 superintendent of schools as to the qualifications of the
10 particular nonlicensed ~~noncertificated~~ person, the particular
11 instruction he or she is to provide, the specific functions to
12 be served, the total number of hours he or she is to provide
13 such instruction and any compensation to be paid that person.
14 The State Board of Education shall prescribe, by rule,
15 criteria for determining qualifications of such persons and
16 the nature of specialized instruction for which, and the
17 extent to which, such persons may be used.

18 Nothing in this Section shall prevent the utilization of a
19 person with specialized knowledge or experiences as a guest
20 lecturer or resource person in the classroom under the direct
21 supervision of a licensed ~~certificated~~ teacher assigned to the
22 classroom on a regular basis, with prior approval of the
23 school administration.

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

25 (105 ILCS 5/10-29)

1 Sec. 10-29. Remote educational programs.

2 (a) For purposes of this Section, "remote educational
3 program" means an educational program delivered to students in
4 the home or other location outside of a school building that
5 meets all of the following criteria:

6 (1) A student may participate in the program only
7 after the school district, pursuant to adopted school
8 board policy, and a person authorized to enroll the
9 student under Section 10-20.12b of this Code determine
10 that a remote educational program will best serve the
11 student's individual learning needs. The adopted school
12 board policy shall include, but not be limited to, all of
13 the following:

14 (A) Criteria for determining that a remote
15 educational program will best serve a student's
16 individual learning needs. The criteria must include
17 consideration of, at a minimum, a student's prior
18 attendance, disciplinary record, and academic history.

19 (B) Any limitations on the number of students or
20 grade levels that may participate in a remote
21 educational program.

22 (C) A description of the process that the school
23 district will use to approve participation in the
24 remote educational program. The process must include
25 without limitation a requirement that, for any student
26 who qualifies to receive services pursuant to the

1 federal Individuals with Disabilities Education
2 Improvement Act of 2004, the student's participation
3 in a remote educational program receive prior approval
4 from the student's individualized education program
5 team.

6 (D) A description of the process the school
7 district will use to develop and approve a written
8 remote educational plan that meets the requirements of
9 subdivision (5) of this subsection (a).

10 (E) A description of the system the school
11 district will establish to determine student
12 participation in instruction in accordance with the
13 remote educational program.

14 (F) A description of the process for renewing a
15 remote educational program at the expiration of its
16 term.

17 (G) Such other terms and provisions as the school
18 district deems necessary to provide for the
19 establishment and delivery of a remote educational
20 program.

21 (2) The school district has determined that the remote
22 educational program's curriculum is aligned to State
23 learning standards and that the program offers instruction
24 and educational experiences consistent with those given to
25 students at the same grade level in the district.

26 (3) The remote educational program is delivered by

1 instructors that meet the following qualifications:

2 (A) they are licensed ~~certificated~~ under Article
3 21B ~~21~~ of this Code;

4 (B) (blank); and

5 (C) they have responsibility for all of the
6 following elements of the program: planning
7 instruction, diagnosing learning needs, prescribing
8 content delivery through class activities, assessing
9 learning, reporting outcomes to administrators and
10 parents and guardians, and evaluating the effects of
11 instruction.

12 (4) During the period of time from and including the
13 opening date to the closing date of the regular school
14 term of the school district established pursuant to
15 Section 10-19 of this Code, participation in a remote
16 educational program may be claimed for evidence-based
17 funding purposes under Section 18-8.15 of this Code on any
18 calendar day, notwithstanding whether the day is a day of
19 pupil attendance or institute day on the school district's
20 calendar or any other provision of law restricting
21 instruction on that day. If the district holds year-round
22 classes in some buildings, the district shall classify
23 each student's participation in a remote educational
24 program as either on a year-round or a non-year-round
25 schedule for purposes of claiming evidence-based funding.
26 Outside of the regular school term of the district, the

1 remote educational program may be offered as part of any
2 summer school program authorized by this Code.

3 (5) Each student participating in a remote educational
4 program must have a written remote educational plan that
5 has been approved by the school district and a person
6 authorized to enroll the student under Section 10-20.12b
7 of this Code. The school district and a person authorized
8 to enroll the student under Section 10-20.12b of this Code
9 must approve any amendment to a remote educational plan.
10 The remote educational plan must include, but is not
11 limited to, all of the following:

12 (A) Specific achievement goals for the student
13 aligned to State learning standards.

14 (B) A description of all assessments that will be
15 used to measure student progress, which description
16 shall indicate the assessments that will be
17 administered at an attendance center within the school
18 district.

19 (C) A description of the progress reports that
20 will be provided to the school district and the person
21 or persons authorized to enroll the student under
22 Section 10-20.12b of this Code.

23 (D) Expectations, processes, and schedules for
24 interaction between a teacher and student.

25 (E) A description of the specific responsibilities
26 of the student's family and the school district with

1 respect to equipment, materials, phone and Internet
2 service, and any other requirements applicable to the
3 home or other location outside of a school building
4 necessary for the delivery of the remote educational
5 program.

6 (F) If applicable, a description of how the remote
7 educational program will be delivered in a manner
8 consistent with the student's individualized education
9 program required by Section 614(d) of the federal
10 Individuals with Disabilities Education Improvement
11 Act of 2004 or plan to ensure compliance with Section
12 504 of the federal Rehabilitation Act of 1973.

13 (G) A description of the procedures and
14 opportunities for participation in academic and
15 extracurricular activities and programs within the
16 school district.

17 (H) The identification of a parent, guardian, or
18 other responsible adult who will provide direct
19 supervision of the program. The plan must include an
20 acknowledgment by the parent, guardian, or other
21 responsible adult that he or she may engage only in
22 non-teaching duties not requiring instructional
23 judgment or the evaluation of a student. The plan
24 shall designate the parent, guardian, or other
25 responsible adult as non-teaching personnel or
26 volunteer personnel under subsection (a) of Section

1 10-22.34 of this Code.

2 (I) The identification of a school district
3 administrator who will oversee the remote educational
4 program on behalf of the school district and who may be
5 contacted by the student's parents with respect to any
6 issues or concerns with the program.

7 (J) The term of the student's participation in the
8 remote educational program, which may not extend for
9 longer than 12 months, unless the term is renewed by
10 the district in accordance with subdivision (7) of
11 this subsection (a).

12 (K) A description of the specific location or
13 locations in which the program will be delivered. If
14 the remote educational program is to be delivered to a
15 student in any location other than the student's home,
16 the plan must include a written determination by the
17 school district that the location will provide a
18 learning environment appropriate for the delivery of
19 the program. The location or locations in which the
20 program will be delivered shall be deemed a long
21 distance teaching reception area under subsection (a)
22 of Section 10-22.34 of this Code.

23 (L) Certification by the school district that the
24 plan meets all other requirements of this Section.

25 (6) Students participating in a remote educational
26 program must be enrolled in a school district attendance

1 center pursuant to the school district's enrollment policy
2 or policies. A student participating in a remote
3 educational program must be tested as part of all
4 assessments administered by the school district pursuant
5 to Section 2-3.64a-5 of this Code at the attendance center
6 in which the student is enrolled and in accordance with
7 the attendance center's assessment policies and schedule.
8 The student must be included within all accountability
9 determinations for the school district and attendance
10 center under State and federal law.

11 (7) The term of a student's participation in a remote
12 educational program may not extend for longer than 12
13 months, unless the term is renewed by the school district.
14 The district may only renew a student's participation in a
15 remote educational program following an evaluation of the
16 student's progress in the program, a determination that
17 the student's continuation in the program will best serve
18 the student's individual learning needs, and an amendment
19 to the student's written remote educational plan
20 addressing any changes for the upcoming term of the
21 program.

22 For purposes of this Section, a remote educational program
23 does not include instruction delivered to students through an
24 e-learning program approved under Section 10-20.56 of this
25 Code.

26 (b) A school district may, by resolution of its school

1 board, establish a remote educational program.

2 (c) (Blank).

3 (d) The impact of remote educational programs on wages,
4 hours, and terms and conditions of employment of educational
5 employees within the school district shall be subject to local
6 collective bargaining agreements.

7 (e) The use of a home or other location outside of a school
8 building for a remote educational program shall not cause the
9 home or other location to be deemed a public school facility.

10 (f) A remote educational program may be used, but is not
11 required, for instruction delivered to a student in the home
12 or other location outside of a school building that is not
13 claimed for evidence-based funding purposes under Section
14 18-8.15 of this Code.

15 (g) School districts that, pursuant to this Section, adopt
16 a policy for a remote educational program must submit to the
17 State Board of Education a copy of the policy and any
18 amendments thereto, as well as data on student participation
19 in a format specified by the State Board of Education. The
20 State Board of Education may perform or contract with an
21 outside entity to perform an evaluation of remote educational
22 programs in this State.

23 (h) The State Board of Education may adopt any rules
24 necessary to ensure compliance by remote educational programs
25 with the requirements of this Section and other applicable
26 legal requirements.

1 (Source: P.A. 100-465, eff. 8-31-17; 100-1046, eff. 8-23-18;
2 101-81, eff. 7-12-19.)

3 (105 ILCS 5/13B-25.20)

4 Sec. 13B-25.20. Requirements for the district plan. The
5 district plan must be consistent with the school district's
6 overall mission and goals and aligned with the local school
7 improvement plans of each participating school. The district
8 plan must include all of the following:

9 (1) A description of the program, including the
10 students at risk of academic failure to be served,
11 evidence of need, program goals, objectives, and
12 measurable outcomes.

13 (2) A staffing plan, including the experiences,
14 competency, and qualifications of licensed and nonlicensed
15 ~~certified and non-certificated~~ staff and emphasizing their
16 individual and collective abilities to work with students
17 at risk of academic failure.

18 (3) A description and schedule of support services
19 that will be available to students as part of their
20 instructional program, including procedures for accessing
21 services required for students on an as-needed basis.

22 (4) How the district will use grant funds to improve
23 the educational achievement of students at risk of
24 academic failure.

25 (5) A detailed program budget that includes sources of

1 funding to be used in conjunction with alternative
2 learning opportunities grant funds and a plan for
3 allocating costs to those funds.

4 (6) A plan that outlines how funding for alternative
5 learning opportunities will be coordinated with other
6 State and federal funds to ensure the efficient and
7 effective delivery of the program.

8 (7) A description of other sources of revenue the
9 district will allocate to the program.

10 (8) An estimate of the total cost per student for the
11 program and an estimate of any gap between existing
12 revenue available for the program and the total cost of
13 the program.

14 (9) A description of how parents and community members
15 will be involved in the program.

16 (10) Policies and procedures used by the district to
17 grant credit for student work satisfactorily completed in
18 the program.

19 (11) How the district will assess students enrolled in
20 the program, including how statewide testing for students
21 in alternative learning opportunities settings will be
22 addressed.

23 (12) How students will be admitted to the program and
24 how students will make an effective transition back to the
25 regular school program, as appropriate.

26 (13) All cooperative and intergovernmental agreements

1 and subcontracts with eligible entities.

2 (Source: P.A. 92-42, eff. 1-1-02.)

3 (105 ILCS 5/13B-65)

4 Sec. 13B-65. Teacher licensure ~~certification~~. Teachers
5 with a valid and active elementary, secondary, or special
6 PK-12 Illinois teaching license ~~certificate~~ may teach in an
7 alternative learning opportunities program.

8 (Source: P.A. 92-42, eff. 1-1-02.)

9 (105 ILCS 5/13B-65.5)

10 Sec. 13B-65.5. Alternative learning credentials for
11 teachers. Licensed ~~Certificated~~ teachers may receive an
12 endorsement or approval in the area of alternative learning.
13 The State Board shall establish teaching standards in
14 alternative learning that lead to such an endorsement or
15 approval.

16 (Source: P.A. 92-42, eff. 1-1-02.)

17 (105 ILCS 5/14-1.09b)

18 Sec. 14-1.09b. Speech-language pathologist.

19 (a) For purposes of supervision of a speech-language
20 pathology assistant, "speech-language pathologist" means a
21 person who has received a license pursuant to the Illinois
22 Speech-Language Pathology and Audiology Practice Act to engage
23 in the practice of speech-language pathology.

1 (b) A Professional Educator License ~~The School Service~~
2 ~~Personnel Certificate~~ with a school support personnel
3 endorsement for speech-language pathologist endorsement shall
4 be issued under Section 21B-25 ~~21-25~~ of this Code to a
5 speech-language pathologist who meets all of the following
6 requirements:

7 (1) (A) Holds a regular license as a speech-language
8 pathologist pursuant to the Illinois Speech-Language
9 Pathology and Audiology Practice Act, (B) holds a current
10 Certificate of Clinical Competence in speech-language
11 pathology from the American Speech-Language-Hearing
12 Association and a regular license in speech-language
13 pathology from another state or territory or the District
14 of Columbia and has applied for a regular license as a
15 speech-language pathologist pursuant to the Illinois
16 Speech-Language Pathology and Audiology Practice Act, or
17 (C) holds or has applied for a temporary license pursuant
18 to Section 8.1 of the Illinois Speech-Language Pathology
19 and Audiology Practice Act.

20 (2) Holds a master's or doctoral degree with a major
21 emphasis in speech-language pathology from an institution
22 whose course of study was approved or program was
23 accredited by the Council on Academic Accreditation in
24 Audiology and Speech-Language Pathology of the American
25 Speech-Language-Hearing Association or its predecessor.

26 (3) Either (i) has completed a program of study that

1 meets the content area standards for speech-language
2 pathologists approved by the State Board of Education, in
3 consultation with the State Educator Preparation and
4 Licensure ~~Teachers Certification~~ Board, (ii) has completed
5 a program in another state, territory, or possession of
6 the United States that is comparable to an approved
7 program of study described in item (i), or (iii) holds a
8 certificate or license issued by another state, territory,
9 or possession of the United States that is comparable to
10 the Professional Educator License ~~school service personnel~~
11 ~~certificate~~ with a school support personnel
12 ~~speech-language~~ endorsement for speech-language
13 pathologist. If the requirements described in items (i),
14 (ii), or (iii) of this paragraph (3) have not been met, a
15 person must provide evidence that he or she has completed
16 at least 150 clock hours of supervised experience in
17 speech-language pathology with students with disabilities
18 in a school setting, including experience required by
19 federal law or federal court order; however, a person who
20 lacks such experience may obtain interim licensure
21 ~~certification~~ as established by the ~~Illinois~~ State Board
22 of Education, in consultation with the State Educator
23 Preparation and Licensure ~~Teacher Certification~~ Board, and
24 shall participate in school-based professional experience
25 of at least 150 clock hours to meet this requirement.

26 (4) Has successfully completed the required Illinois

1 licensure ~~certification~~ tests.

2 (5) Has paid the application fee required for
3 licensure ~~certification~~.

4 The provisions of this subsection (b) do not preclude the
5 issuance of an educator license ~~a teaching certificate~~ to a
6 speech-language pathologist who qualifies for such a license
7 ~~certificate~~.

8 (c) Notwithstanding subsection (b), a Professional
9 Educator License with a school support personnel endorsement
10 for non-teaching speech-language pathologist shall be issued
11 under Section 21B-25 to a speech-language pathologist who (i)
12 holds a regular license as a speech-language pathologist
13 pursuant to the Illinois Speech-Language Pathology and
14 Audiology Practice Act and (ii) holds a current Certificate of
15 Clinical Competence in speech-language pathology from the
16 American Speech-Language-Hearing Association.

17 (Source: P.A. 101-94, eff. 1-1-20.)

18 (105 ILCS 5/14-1.09.1)

19 Sec. 14-1.09.1. School psychological services. In the
20 public schools, school psychological services provided by
21 qualified specialists who hold a Professional Educator License
22 ~~Type 73 School Service Personnel Certificates~~ endorsed for
23 school psychology issued by the State ~~Teacher Certification~~
24 Board of Education may include, but are not limited to: (i)
25 administration and interpretation of psychological and

1 educational evaluations; (ii) developing school-based
2 prevention programs, including violence prevention programs;
3 (iii) counseling with students, parents, and teachers on
4 educational and mental health issues; (iv) acting as liaisons
5 between public schools and community agencies; (v) evaluating
6 program effectiveness; (vi) providing crisis intervention
7 within the school setting; (vii) helping teachers, parents,
8 and others involved in the educational process to provide
9 optimum teaching and learning conditions for all students;
10 (viii) supervising school psychologist interns enrolled in
11 school psychology programs that meet the standards established
12 by the State Board of Education; and (ix) screening of school
13 enrollments to identify children who should be referred for
14 individual study. Nothing in this Section prohibits other
15 qualified professionals from providing those services listed
16 for which they are appropriately trained.

17 (Source: P.A. 89-339, eff. 8-17-95.)

18 (105 ILCS 5/14-1.09.2)

19 Sec. 14-1.09.2. School Social Work Services. In the public
20 schools, social work services may be provided by qualified
21 specialists who hold ~~Type 73 School Service Personnel~~
22 ~~Certificates endorsed for school social work issued by the~~
23 ~~State Teacher Certification Board or who hold~~ a Professional
24 Educator License with a school support personnel endorsement
25 in the area of school social worker under Section 21B-25 of

1 this Code.

2 School social work services may include, but are not
3 limited to:

4 (1) Identifying students in need of special education
5 services by conducting a social-developmental study in a
6 case study evaluation;

7 (2) Developing and implementing comprehensive
8 interventions with students, parents, and teachers that
9 will enhance student adjustment to, and performance in,
10 the school setting;

11 (3) Consulting and collaborating with teachers and
12 other school personnel regarding behavior management and
13 intervention plans and inclusion in support of special
14 education students in regular classroom settings;

15 (4) Counseling with students, parents, and teachers in
16 accordance with the rules and regulations governing
17 provision of related services, provided that parent
18 permission must be obtained in writing before a student
19 participates in a group counseling session;

20 (5) Acting as a liaison between the public schools and
21 community resources;

22 (6) Developing and implementing school-based
23 prevention programs, including mediation and violence
24 prevention, implementing social and emotional education
25 programs and services, and establishing and implementing
26 bullying prevention and intervention programs;

1 (7) Providing crisis intervention within the school
2 setting;

3 (8) Supervising school social work interns enrolled in
4 school social work programs that meet the standards
5 established by the State Board of Education;

6 (9) Providing parent education and counseling as
7 appropriate in relation to the child's educational
8 assessment;

9 (10) Assisting in completing a functional behavioral
10 assessment, as well as assisting in the development of
11 nonaversive behavioral intervention strategies; and

12 (11) Evaluating program effectiveness.

13 Nothing in this Section prohibits other licensed ~~certified~~
14 professionals from providing any of the services listed in
15 this Section for which they are appropriately trained.

16 (Source: P.A. 98-338, eff. 8-13-13.)

17 (105 ILCS 5/14-6.04)

18 Sec. 14-6.04. Contracting for speech-language pathology
19 services.

20 (a) For purposes of this Section:

21 "Reasonable efforts" means performing all of the
22 following:

23 (1) placing at least 3 employment advertisements for a
24 speech-language pathologist published in the newspaper of
25 widest distribution within the school district or

1 cooperative;

2 (2) placing one employment listing in the placement
3 bulletin of a college or university that has a
4 speech-language pathology curriculum that is located in
5 the geographic area of the school district or cooperative,
6 if any; and

7 (3) posting the position for speech-language
8 pathologist on the Illinois Association of School
9 Administrators' job placement service for at least 30
10 days.

11 "Speech-language pathologist" means a person who:

12 (1) holds a master's or doctoral degree with a major
13 emphasis in speech-language pathology from an institution
14 whose course of study was approved or program was
15 accredited by the Council on Academic Accreditation in
16 Audiology and Speech-Language Pathology of the American
17 Speech-Language-Hearing Association or its predecessor;
18 and

19 (2) either (i) has completed a program of study that
20 meets the content-area standards for speech-language
21 pathologists approved by the State Board of Education, in
22 consultation with the State Educator Preparation and
23 Licensure ~~Teacher Certification~~ Board, (ii) has completed
24 a program in another state, territory, or possession of
25 the United States that is comparable to an approved
26 program of study described in item (i), or (iii) holds a

1 certificate or license issued by another state, territory,
2 or possession of the United States that is comparable to a
3 Professional Educator License with a school support
4 personnel endorsement in the area of speech-language
5 pathologist ~~the school service personnel certificate with~~
6 ~~a speech language endorsement~~. If the requirements
7 described in items (i), (ii), or (iii) of this paragraph
8 (2) have not been met, a person must provide evidence that
9 he or she has completed at least 150 clock hours of
10 supervised experience in speech-language pathology with
11 students with disabilities in a school setting, including
12 experience required by federal law or federal court order;
13 however, a person who lacks such experience ~~may obtain~~
14 ~~interim certification as established by the Illinois State~~
15 ~~Board of Education, in consultation with the State Teacher~~
16 ~~Certification Board, and~~ shall participate in school-based
17 professional experience of at least 150 clock hours to
18 meet this requirement.

19 "Speech-language pathology services" means the application
20 of methods and procedures for identifying, measuring, testing,
21 appraising, predicting, and modifying communication
22 development and disorders or disabilities of speech, language,
23 voice, swallowing, and other speech, language, and
24 voice-related disorders for the purpose of counseling,
25 consulting, and rendering services or participating in the
26 planning, directing, or conducting of programs that are

1 designed to modify communicative disorders and conditions in
2 individuals or groups of individuals involving speech,
3 language, voice, and swallowing functions.

4 (b) A school district or a cooperative must make
5 reasonable efforts to employ a speech-language pathologist.
6 While making those reasonable efforts or after unsuccessful
7 reasonable efforts have been made, or both, a school district
8 or cooperative may contract for speech-language pathology
9 services with a speech-language pathologist or an entity that
10 employs speech-language pathologists. A speech-language
11 pathologist who provides speech-language pathology services
12 pursuant to a contract must:

13 (1) hold a speech-language pathology license under the
14 Illinois Speech-Language Pathology and Audiology Practice
15 Act or hold or have applied for a temporary license issued
16 under Section 8.1 of that Act; and

17 (2) hold a Professional Educator License with a
18 special education endorsement in the area of
19 speech-language pathologist or with a school support
20 personnel endorsement in the area of school speech and
21 language pathologist certificate under this Code ~~with an~~
22 ~~endorsement in speech-language pathology.~~

23 (Source: P.A. 93-110, eff. 7-8-03; 93-1060, eff. 12-23-04.)

24 (105 ILCS 5/14-7.05)

25 Sec. 14-7.05. Placement in residential facility; payment

1 of educational costs. For any student with a disability in a
2 residential facility placement made or paid for by an Illinois
3 public State agency or made by any court in this State, the
4 school district of residence as determined pursuant to this
5 Article is responsible for the costs of educating the child
6 and shall be reimbursed for those costs in accordance with
7 this Code. Subject to this Section and relevant State
8 appropriation, the resident district's financial
9 responsibility and reimbursement must be calculated in
10 accordance with the provisions of Section 14-7.02 of this
11 Code. In those instances in which a district receives a block
12 grant pursuant to Article 1D of this Code, the district's
13 financial responsibility is limited to the actual educational
14 costs of the placement, which must be paid by the district from
15 its block grant appropriation. Resident district financial
16 responsibility and reimbursement applies for both residential
17 facilities that are approved by the State Board of Education
18 and non-approved facilities, subject to the requirements of
19 this Section. The Illinois placing agency or court remains
20 responsible for funding the residential portion of the
21 placement and for notifying the resident district prior to the
22 placement, except in emergency situations. The residential
23 facility in which the student is placed shall notify the
24 resident district of the student's enrollment as soon as
25 practicable after the placement. Failure of the placing agency
26 or court to notify the resident district prior to the

1 placement does not absolve the resident district of financial
2 responsibility for the educational costs of the placement;
3 however, the resident district shall not become financially
4 responsible unless and until it receives written notice of the
5 placement by either the placing agency, court, or residential
6 facility. The placing agency or parent shall request an
7 individualized education program (IEP) meeting from the
8 resident district if the placement would entail additional
9 educational services beyond the student's current IEP. The
10 district of residence shall retain control of the IEP process,
11 and any changes to the IEP must be done in compliance with the
12 federal Individuals with Disabilities Education Act.

13 Prior to the placement of a child in an out-of-state
14 special education residential facility, the placing agency or
15 court must refer to the child or the child's parent or guardian
16 the option to place the child in a special education
17 residential facility located within this State, if any, that
18 provides treatment and services comparable to those provided
19 by the out-of-state special education residential facility.
20 The placing agency or court must review annually the placement
21 of a child in an out-of-state special education residential
22 facility. As a part of the review, the placing agency or court
23 must refer to the child or the child's parent or guardian the
24 option to place the child in a comparable special education
25 residential facility located within this State, if any.

26 Payments shall be made by the resident district to the

1 entity providing the educational services, whether the entity
2 is the residential facility or the school district wherein the
3 facility is located, no less than once per quarter unless
4 otherwise agreed to in writing by the parties.

5 A residential facility providing educational services
6 within the facility, but not approved by the State Board of
7 Education, is required to demonstrate proof to the State Board
8 of (i) appropriate licensure ~~certification~~ of teachers for the
9 student population, (ii) age-appropriate curriculum, (iii)
10 enrollment and attendance data, and (iv) the ability to
11 implement the child's IEP. A school district is under no
12 obligation to pay such a residential facility unless and until
13 such proof is provided to the State Board's satisfaction.

14 When a dispute arises over the determination of the
15 district of residence under this Section, any person or
16 entity, including without limitation a school district or
17 residential facility, may make a written request for a
18 residency decision to the State Superintendent of Education,
19 who, upon review of materials submitted and any other items of
20 information he or she may request for submission, shall issue
21 his or her decision in writing. The decision of the State
22 Superintendent of Education is final.

23 (Source: P.A. 102-254, eff. 8-6-21.)

24 (105 ILCS 5/14-8.02d)

25 Sec. 14-8.02d. Evaluation of due process hearing system.

1 The State Board of Education shall monitor, review, and
2 evaluate the impartial due process hearing system on a regular
3 basis by a process that includes a review of written decisions
4 and evaluations by participants in impartial due process
5 hearings and their representatives. ~~The In conjunction with~~
6 ~~the Annual State Report on Special Education Performance, the~~
7 State Board of Education shall annually post to its website by
8 August 1 ~~submit~~ data on the performance of the due process
9 hearing system, including data on timeliness of hearings and
10 an analysis of the issues and disability categories underlying
11 hearing requests ~~during the period covered by the Annual State~~
12 ~~Report. The data provided for the Annual State Report must be~~
13 ~~submitted to the members of the State Board of Education, the~~
14 ~~State Superintendent of Education, the Advisory Council on~~
15 ~~Education of Children with Disabilities, and the Screening~~
16 ~~Committee established under Section 14-8.02c of this Code and~~
17 ~~must be made available to the public.~~

18 (Source: P.A. 94-1100, eff. 2-2-07.)

19 (105 ILCS 5/14-9.01) (from Ch. 122, par. 14-9.01)

20 Sec. 14-9.01. Qualifications of teachers, other
21 professional personnel and necessary workers. No person shall
22 be employed to teach any class or program authorized by this
23 Article who does not hold a valid teacher's license as
24 provided by law and unless he has had such special training as
25 the State Board of Education may require. No special license

1 or endorsement to a special license issued under Section
2 21B-30 of this Code shall be valid for teaching students with
3 visual disabilities unless the person to whom the license or
4 endorsement is issued has attained satisfactory performance on
5 an examination that is designed to assess competency in
6 Braille reading and writing skills according to standards that
7 the State Board of Education may adopt. Evidence of
8 successfully completing the examination of Braille reading and
9 writing skills must be submitted to the State Board of
10 Education prior to an applicant's taking of the content area
11 test required under Section 21B-30 of this Code. In addition
12 to other requirements, a candidate for a teaching license in
13 the area of the deaf and hard of hearing granted by the
14 Illinois State Board of Education for teaching deaf and hard
15 of hearing students in grades pre-school through grade 12 must
16 demonstrate a minimum proficiency in sign language as
17 determined by the Illinois State Board of Education. All other
18 professional personnel employed in any class, service, or
19 program authorized by this Article shall hold such licenses
20 and shall have had such special training as the State Board of
21 Education may require; provided that in a school district
22 organized under Article 34, the school district may employ
23 speech and language pathologists who are licensed under the
24 Illinois Speech-Language Pathology and Audiology Practice Act
25 but who do not hold a license issued under this Code if the
26 district certifies that a chronic shortage of licensed

1 ~~certified~~ personnel exists. Nothing contained in this Act
2 prohibits the school board from employing necessary workers to
3 assist the teacher with the special educational facilities,
4 except that all such necessary workers must have had such
5 training as the State Board of Education may require.

6 ~~The No later than January 1, 1993, the~~ State Board of
7 Education shall develop, in consultation with the Advisory
8 Council on the Education of Children with Disabilities and the
9 Advisory Council on Bilingual Education, rules governing the
10 qualifications for licensure ~~certification~~ of teachers and
11 school service personnel providing services to English
12 learners receiving special education and related services.

13 The employment of any teacher in a special education
14 program provided for in Sections 14-1.01 to 14-14.01,
15 inclusive, shall be subject to the provisions of Sections
16 24-11 to 24-16, inclusive. Any teacher employed in a special
17 education program, prior to the effective date of this
18 amendatory Act of 1987, in which 2 or more districts
19 participate shall enter upon contractual continued service in
20 each of the participating districts subject to the provisions
21 of Sections 24-11 to 24-16, inclusive.

22 (Source: P.A. 99-30, eff. 7-10-15.)

23 (105 ILCS 5/14-17)

24 (Section scheduled to be repealed on December 31, 2022)

25 Sec. 14-17. High-Cost Special Education Funding

1 Commission.

2 (a) The High-Cost Special Education Funding Commission is
3 created for the purpose of making recommendations to the
4 Governor and the General Assembly for an alternative funding
5 structure in this State for high-cost special education
6 students that is aligned to the principles of the
7 evidence-based funding formula in Section 18-8.15 in which
8 school districts furthest away from adequacy receive the
9 greatest amount of funding.

10 (b) The Commission shall consist of all of the following
11 members:

12 (1) One representative appointed by the Speaker of the
13 House of Representatives, who shall serve as
14 co-chairperson.

15 (2) One representative appointed by the Minority
16 Leader of the House of Representatives.

17 (3) One senator appointed by the President of the
18 Senate, who shall serve as co-chairperson.

19 (4) One senator appointed by the Minority Leader of
20 the Senate.

21 (5) The State Superintendent of Education or a
22 designee.

23 (6) The Director of the Governor's Office of
24 Management and Budget or a designee.

25 (7) The Chairperson of the Advisory Council on the
26 Education of Children with Disabilities or a designee.

1 Additionally, within 60 days after July 23, 2021 (the
2 effective date of Public Act 102-150) ~~this amendatory Act of~~
3 ~~the 102nd General Assembly~~, the State Superintendent of
4 Education shall appoint all of the following individuals to
5 the Commission:

6 (A) One representative of a statewide association that
7 represents private special education schools.

8 (B) One representative of a statewide association that
9 represents special education cooperatives.

10 (C) One educator from a special education cooperative,
11 recommended by a statewide association that represents
12 teachers.

13 (D) One educator from a school ~~special education~~
14 ~~cooperative that is not a member~~ district that is not a
15 member of a special education cooperative, recommended by
16 a different statewide association that represents
17 teachers.

18 (E) One educator or administrator from a nonpublic
19 special education school.

20 (F) One representative of a statewide association that
21 represents school administrators.

22 (G) One representative of a statewide association that
23 represents school business officials.

24 (H) One representative of a statewide association that
25 represents private special education schools in rural
26 school districts.

1 (I) One representative from a residential program.

2 Members appointed to the Commission must reflect the
3 racial, ethnic, and geographic diversity of this State.

4 (c) Members of the Commission shall serve without
5 compensation, but may be reimbursed for their reasonable and
6 necessary expenses from funds appropriated to the State Board
7 of Education for that purpose.

8 (d) The State Board of Education shall provide
9 administrative support to the Commission.

10 (e) To ensure that high-quality services are provided to
11 ensure equitable outcomes for high-cost special education
12 students, the Commission shall do all the following:

13 (1) Review the current system of funding high-cost
14 special education students in this State.

15 (2) Review the needs of high-cost special education
16 students in this State and the associated costs to ensure
17 high-quality services are provided to these students.

18 (3) Review how other states fund high-cost special
19 education students.

20 (4) If available, review other proposals and best
21 practices for funding high-cost special education
22 students.

23 (f) On or before November 30, 2021, the Commission shall
24 report its recommendations to the Governor and the General
25 Assembly.

26 (g) This Section is repealed on December 31, 2022.

1 (Source: P.A. 102-150, eff. 7-23-21; revised 11-9-21.)

2 (105 ILCS 5/18-8.15)

3 Sec. 18-8.15. Evidence-Based Funding for student success
4 for the 2017-2018 and subsequent school years.

5 (a) General provisions.

6 (1) The purpose of this Section is to ensure that, by
7 June 30, 2027 and beyond, this State has a kindergarten
8 through grade 12 public education system with the capacity
9 to ensure the educational development of all persons to
10 the limits of their capacities in accordance with Section
11 1 of Article X of the Constitution of the State of
12 Illinois. To accomplish that objective, this Section
13 creates a method of funding public education that is
14 evidence-based; is sufficient to ensure every student
15 receives a meaningful opportunity to learn irrespective of
16 race, ethnicity, sexual orientation, gender, or
17 community-income level; and is sustainable and
18 predictable. When fully funded under this Section, every
19 school shall have the resources, based on what the
20 evidence indicates is needed, to:

21 (A) provide all students with a high quality
22 education that offers the academic, enrichment, social
23 and emotional support, technical, and career-focused
24 programs that will allow them to become competitive
25 workers, responsible parents, productive citizens of

1 this State, and active members of our national
2 democracy;

3 (B) ensure all students receive the education they
4 need to graduate from high school with the skills
5 required to pursue post-secondary education and
6 training for a rewarding career;

7 (C) reduce, with a goal of eliminating, the
8 achievement gap between at-risk and non-at-risk
9 students by raising the performance of at-risk
10 students and not by reducing standards; and

11 (D) ensure this State satisfies its obligation to
12 assume the primary responsibility to fund public
13 education and simultaneously relieve the
14 disproportionate burden placed on local property taxes
15 to fund schools.

16 (2) The Evidence-Based Funding formula under this
17 Section shall be applied to all Organizational Units in
18 this State. The Evidence-Based Funding formula outlined in
19 this Act is based on the formula outlined in Senate Bill 1
20 of the 100th General Assembly, as passed by both
21 legislative chambers. As further defined and described in
22 this Section, there are 4 major components of the
23 Evidence-Based Funding model:

24 (A) First, the model calculates a unique Adequacy
25 Target for each Organizational Unit in this State that
26 considers the costs to implement research-based

1 activities, the unit's student demographics, and
2 regional wage differences.

3 (B) Second, the model calculates each
4 Organizational Unit's Local Capacity, or the amount
5 each Organizational Unit is assumed to contribute
6 toward its Adequacy Target from local resources.

7 (C) Third, the model calculates how much funding
8 the State currently contributes to the Organizational
9 Unit and adds that to the unit's Local Capacity to
10 determine the unit's overall current adequacy of
11 funding.

12 (D) Finally, the model's distribution method
13 allocates new State funding to those Organizational
14 Units that are least well-funded, considering both
15 Local Capacity and State funding, in relation to their
16 Adequacy Target.

17 (3) An Organizational Unit receiving any funding under
18 this Section may apply those funds to any fund so received
19 for which that Organizational Unit is authorized to make
20 expenditures by law.

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

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

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

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

3 "Adjusted Operating Tax Rate" means a tax rate for all
4 Organizational Units, for which the State Superintendent
5 shall calculate and subtract for the Operating Tax Rate a
6 transportation rate based on total expenses for
7 transportation services under this Code, as reported on
8 the most recent Annual Financial Report in Pupil
9 Transportation Services, function 2550 in both the
10 Education and Transportation funds and functions 4110 and
11 4120 in the Transportation fund, less any corresponding
12 fiscal year State of Illinois scheduled payments excluding
13 net adjustments for prior years for regular, vocational,
14 or special education transportation reimbursement pursuant
15 to Section 29-5 or subsection (b) of Section 14-13.01 of
16 this Code divided by the Adjusted EAV. If an
17 Organizational Unit's corresponding fiscal year State of
18 Illinois scheduled payments excluding net adjustments for
19 prior years for regular, vocational, or special education
20 transportation reimbursement pursuant to Section 29-5 or
21 subsection (b) of Section 14-13.01 of this Code exceed the
22 total transportation expenses, as defined in this
23 paragraph, no transportation rate shall be subtracted from
24 the Operating Tax Rate.

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

1 "Alternative School" means a public school that is
2 created and operated by a regional superintendent of
3 schools and approved by the State Board.

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

6 "Assessment" means any of those benchmark, progress
7 monitoring, formative, diagnostic, and other assessments,
8 in addition to the State accountability assessment, that
9 assist teachers' needs in understanding the skills and
10 meeting the needs of the students they serve.

11 "Assistant principal" means a school administrator
12 duly endorsed to be employed as an assistant principal in
13 this State.

14 "At-risk student" means a student who is at risk of
15 not meeting the Illinois Learning Standards or not
16 graduating from elementary or high school and who
17 demonstrates a need for vocational support or social
18 services beyond that provided by the regular school
19 program. All students included in an Organizational Unit's
20 Low-Income Count, as well as all English learner and
21 disabled students attending the Organizational Unit, shall
22 be considered at-risk students under this Section.

23 "Average Student Enrollment" or "ASE" for fiscal year
24 2018 means, for an Organizational Unit, the greater of the
25 average number of students (grades K through 12) reported
26 to the State Board as enrolled in the Organizational Unit

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

1 the Organizational Unit" means the number of students
2 reported to the State Board who are enrolled in schools
3 within the Organizational Unit that the student attends or
4 would attend if not placed or transferred to another
5 school or program to receive needed services. For the
6 purposes of calculating "ASE", all students, grades K
7 through 12, excluding those attending kindergarten for a
8 half day and students attending an alternative education
9 program operated by a regional office of education or
10 intermediate service center, shall be counted as 1.0. All
11 students attending kindergarten for a half day shall be
12 counted as 0.5, unless in 2017 by June 15 or by March 1 in
13 subsequent years, the school district reports to the State
14 Board of Education the intent to implement full-day
15 kindergarten district-wide for all students, then all
16 students attending kindergarten shall be counted as 1.0.
17 Special education pre-kindergarten students shall be
18 counted as 0.5 each. If the State Board does not collect or
19 has not collected both an October 1 and March 1 enrollment
20 count by grade or a December 1 collection of special
21 education pre-kindergarten students as of August 31, 2017
22 (the effective date of Public Act 100-465), it shall
23 establish such collection for all future years. For any
24 year in which a count by grade level was collected only
25 once, that count shall be used as the single count
26 available for computing a 3-year average ASE. Funding for

1 programs operated by a regional office of education or an
2 intermediate service center must be calculated using the
3 Evidence-Based Funding formula under this Section for the
4 2019-2020 school year and each subsequent school year
5 until separate adequacy formulas are developed and adopted
6 for each type of program. ASE for a program operated by a
7 regional office of education or an intermediate service
8 center must be determined by the March 1 enrollment for
9 the program. For the 2019-2020 school year, the ASE used
10 in the calculation must be the first-year ASE and, in that
11 year only, the assignment of students served by a regional
12 office of education or intermediate service center shall
13 not result in a reduction of the March enrollment for any
14 school district. For the 2020-2021 school year, the ASE
15 must be the greater of the current-year ASE or the 2-year
16 average ASE. Beginning with the 2021-2022 school year, the
17 ASE must be the greater of the current-year ASE or the
18 3-year average ASE. School districts shall submit the data
19 for the ASE calculation to the State Board within 45 days
20 of the dates required in this Section for submission of
21 enrollment data in order for it to be included in the ASE
22 calculation. For fiscal year 2018 only, the ASE
23 calculation shall include only enrollment taken on October
24 1. In recognition of the impact of COVID-19, the
25 definition of "Average Student Enrollment" or "ASE" shall
26 be adjusted for calculations under this Section for fiscal

1 years 2022 through 2024. For fiscal years 2022 through
2 2024, the enrollment used in the calculation of ASE
3 representing the 2020-2021 school year shall be the
4 greater of the enrollment for the 2020-2021 school year or
5 the 2019-2020 school year.

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

8 "Base Funding Minimum" is defined in subsection (e) of
9 this Section.

10 "Base Tax Year" means the property tax levy year used
11 to calculate the Budget Year allocation of primary State
12 aid.

13 "Base Tax Year's Extension" means the product of the
14 equalized assessed valuation utilized by the county clerk
15 in the Base Tax Year multiplied by the limiting rate as
16 calculated by the county clerk and defined in PTELL.

17 "Bilingual Education Allocation" means the amount of
18 an Organizational Unit's final Adequacy Target
19 attributable to bilingual education divided by the
20 Organizational Unit's final Adequacy Target, the product
21 of which shall be multiplied by the amount of new funding
22 received pursuant to this Section. An Organizational
23 Unit's final Adequacy Target attributable to bilingual
24 education shall include all additional investments in
25 English learner students' adequacy elements.

26 "Budget Year" means the school year for which primary

1 State aid is calculated and awarded under this Section.

2 "Central office" means individual administrators and
3 support service personnel charged with managing the
4 instructional programs, business and operations, and
5 security of the Organizational Unit.

6 "Comparable Wage Index" or "CWI" means a regional cost
7 differentiation metric that measures systemic, regional
8 variations in the salaries of college graduates who are
9 not educators. The CWI utilized for this Section shall,
10 for the first 3 years of Evidence-Based Funding
11 implementation, be the CWI initially developed by the
12 National Center for Education Statistics, as most recently
13 updated by Texas A & M University. In the fourth and
14 subsequent years of Evidence-Based Funding implementation,
15 the State Superintendent shall re-determine the CWI using
16 a similar methodology to that identified in the Texas A & M
17 University study, with adjustments made no less frequently
18 than once every 5 years.

19 "Computer technology and equipment" means computers
20 servers, notebooks, network equipment, copiers, printers,
21 instructional software, security software, curriculum
22 management courseware, and other similar materials and
23 equipment.

24 "Computer technology and equipment investment
25 allocation" means the final Adequacy Target amount of an
26 Organizational Unit assigned to Tier 1 or Tier 2 in the

1 prior school year attributable to the additional \$285.50
2 per student computer technology and equipment investment
3 grant divided by the Organizational Unit's final Adequacy
4 Target, the result of which shall be multiplied by the
5 amount of new funding received pursuant to this Section.
6 An Organizational Unit assigned to a Tier 1 or Tier 2 final
7 Adequacy Target attributable to the received computer
8 technology and equipment investment grant shall include
9 all additional investments in computer technology and
10 equipment adequacy elements.

11 "Core subject" means mathematics; science; reading,
12 English, writing, and language arts; history and social
13 studies; world languages; and subjects taught as Advanced
14 Placement in high schools.

15 "Core teacher" means a regular classroom teacher in
16 elementary schools and teachers of a core subject in
17 middle and high schools.

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

21 "CPPRT" means corporate personal property replacement
22 tax funds paid to an Organizational Unit during the
23 calendar year one year before the calendar year in which a
24 school year begins, pursuant to "An Act in relation to the
25 abolition of ad valorem personal property tax and the
26 replacement of revenues lost thereby, and amending and

1 repealing certain Acts and parts of Acts in connection
2 therewith", certified August 14, 1979, as amended (Public
3 Act 81-1st S.S.-1).

4 "EAV" means equalized assessed valuation as defined in
5 paragraph (2) of subsection (d) of this Section and
6 calculated in accordance with paragraph (3) of subsection
7 (d) of this Section.

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

13 "EIS Data" means the employment information system
14 data maintained by the State Board on educators within
15 Organizational Units.

16 "Employee benefits" means health, dental, and vision
17 insurance offered to employees of an Organizational Unit,
18 the costs associated with the statutorily required payment
19 of the normal cost of the Organizational Unit's teacher
20 pensions, Social Security employer contributions, and
21 Illinois Municipal Retirement Fund employer contributions.

22 "English learner" or "EL" means a child included in
23 the definition of "English learners" under Section 14C-2
24 of this Code participating in a program of transitional
25 bilingual education or a transitional program of
26 instruction meeting the requirements and program

1 application procedures of Article 14C of this Code. For
2 the purposes of collecting the number of EL students
3 enrolled, the same collection and calculation methodology
4 as defined above for "ASE" shall apply to English
5 learners, with the exception that EL student enrollment
6 shall include students in grades pre-kindergarten through
7 12.

8 "Essential Elements" means those elements, resources,
9 and educational programs that have been identified through
10 academic research as necessary to improve student success,
11 improve academic performance, close achievement gaps, and
12 provide for other per student costs related to the
13 delivery and leadership of the Organizational Unit, as
14 well as the maintenance and operations of the unit, and
15 which are specified in paragraph (2) of subsection (b) of
16 this Section.

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

19 "Extended day" means academic and enrichment programs
20 provided to students outside the regular school day before
21 and after school or during non-instructional times during
22 the school day.

23 "Extension Limitation Ratio" means a numerical ratio
24 in which the numerator is the Base Tax Year's Extension
25 and the denominator is the Preceding Tax Year's Extension.

26 "Final Percent of Adequacy" is defined in paragraph

1 (4) of subsection (f) of this Section.

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

4 "Full-time equivalent" or "FTE" means the full-time
5 equivalency compensation for staffing the relevant
6 position at an Organizational Unit.

7 "Funding Gap" is defined in paragraph (1) of
8 subsection (g).

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

11 "Instructional assistant" means a core or special
12 education, non-licensed employee who assists a teacher in
13 the classroom and provides academic support to students.

14 "Instructional facilitator" means a qualified teacher
15 or licensed teacher leader who facilitates and coaches
16 continuous improvement in classroom instruction; provides
17 instructional support to teachers in the elements of
18 research-based instruction or demonstrates the alignment
19 of instruction with curriculum standards and assessment
20 tools; develops or coordinates instructional programs or
21 strategies; develops and implements training; chooses
22 standards-based instructional materials; provides
23 teachers with an understanding of current research; serves
24 as a mentor, site coach, curriculum specialist, or lead
25 teacher; or otherwise works with fellow teachers, in
26 collaboration, to use data to improve instructional

1 practice or develop model lessons.

2 "Instructional materials" means relevant
3 instructional materials for student instruction,
4 including, but not limited to, textbooks, consumable
5 workbooks, laboratory equipment, library books, and other
6 similar materials.

7 "Laboratory School" means a public school that is
8 created and operated by a public university and approved
9 by the State Board.

10 "Librarian" means a teacher with an endorsement as a
11 library information specialist or another individual whose
12 primary responsibility is overseeing library resources
13 within an Organizational Unit.

14 "Limiting rate for Hybrid Districts" means the
15 combined elementary school and high school limiting rates.

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

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

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

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

24 "Low-Income Count" means, for an Organizational Unit
25 in a fiscal year, the higher of the average number of
26 students for the prior school year or the immediately

1 preceding 3 school years who, as of July 1 of the
2 immediately preceding fiscal year (as determined by the
3 Department of Human Services), are eligible for at least
4 one of the following low-income programs: Medicaid, the
5 Children's Health Insurance Program, Temporary Assistance
6 for Needy Families (TANF), or the Supplemental Nutrition
7 Assistance Program, excluding pupils who are eligible for
8 services provided by the Department of Children and Family
9 Services. Until such time that grade level low-income
10 populations become available, grade level low-income
11 populations shall be determined by applying the low-income
12 percentage to total student enrollments by grade level.
13 The low-income percentage is determined by dividing the
14 Low-Income Count by the Average Student Enrollment. The
15 low-income percentage for programs operated by a regional
16 office of education or an intermediate service center must
17 be set to the weighted average of the low-income
18 percentages of all of the school districts in the service
19 region. The weighted low-income percentage is the result
20 of multiplying the low-income percentage of each school
21 district served by the regional office of education or
22 intermediate service center by each school district's
23 Average Student Enrollment, summarizing those products and
24 dividing the total by the total Average Student Enrollment
25 for the service region.

26 "Maintenance and operations" means custodial services,

1 facility and ground maintenance, facility operations,
2 facility security, routine facility repairs, and other
3 similar services and functions.

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

6 "New Property Tax Relief Pool Funds" means, for any
7 given fiscal year, all State funds appropriated under
8 Section 2-3.170 of this Code.

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

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

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

23 "Operating Tax Rate" means the rate utilized in the
24 previous year to extend property taxes for all purposes,
25 except Bond and Interest, Summer School, Rent, Capital
26 Improvement, and Vocational Education Building purposes.

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

6 "Organizational Unit" means a Laboratory School or any
7 public school district that is recognized as such by the
8 State Board and that contains elementary schools typically
9 serving kindergarten through 5th grades, middle schools
10 typically serving 6th through 8th grades, high schools
11 typically serving 9th through 12th grades, a program
12 established under Section 2-3.66 or 2-3.41, or a program
13 operated by a regional office of education or an
14 intermediate service center under Article 13A or 13B. The
15 General Assembly acknowledges that the actual grade levels
16 served by a particular Organizational Unit may vary
17 slightly from 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,
8 the original county's CWI value will be weighted at 0.25
9 and the adjacent Illinois county average will be weighted
10 at 0.75. If the number of adjacent Illinois counties is 2,
11 the original county's CWI value will be weighted at 0.33
12 and the adjacent Illinois county average will be weighted
13 at 0.66. The greater of the county's current CWI value and
14 its 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
21 Operating 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 counselor" means a licensed school counselor
5 who provides guidance and counseling support for students
6 within an Organizational Unit.

7 "School site staff" means the primary school secretary
8 and any additional clerical personnel assigned to a
9 school.

10 "Special education" means special educational
11 facilities and services, as defined in Section 14-1.08 of
12 this Code.

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

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

1 Organizational Unit.

2 "Specially Funded Unit" means an Alternative School,
3 safe school, Department of Juvenile Justice school,
4 special education cooperative or entity recognized by the
5 State Board as a special education cooperative,
6 State-approved charter school, or alternative learning
7 opportunities program that received direct funding from
8 the State Board during the 2016-2017 school year through
9 any of the funding sources included within the calculation
10 of the Base Funding Minimum or Glenwood Academy.

11 "Supplemental Grant Funding" means supplemental
12 general State aid funding received by an Organizational
13 Unit during the 2016-2017 school year pursuant to
14 subsection (H) of Section 18-8.05 of this Code (now
15 repealed).

16 "State Adequacy Level" is the sum of the Adequacy
17 Targets of all Organizational Units.

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

19 "State Superintendent" means the State Superintendent
20 of Education.

21 "Statewide Weighted CWI" means a figure determined by
22 multiplying each Organizational Unit CWI times the ASE for
23 that Organizational Unit creating a weighted value,
24 summing all Organizational Units' weighted values, and
25 dividing by the total ASE of all Organizational Units,
26 thereby creating an average weighted index.

1 "Student activities" means non-credit producing
2 after-school programs, including, but not limited to,
3 clubs, bands, sports, and other activities authorized by
4 the school board of the Organizational Unit.

5 "Substitute teacher" means an individual teacher or
6 teaching assistant who is employed by an Organizational
7 Unit and is temporarily serving the Organizational Unit on
8 a per diem or per period-assignment basis to replace
9 another staff member.

10 "Summer school" means academic and enrichment programs
11 provided to students during the summer months outside of
12 the regular school year.

13 "Supervisory aide" means a non-licensed staff member
14 who helps in supervising students of an Organizational
15 Unit, but does so outside of the classroom, in situations
16 such as, but not limited to, monitoring hallways and
17 playgrounds, supervising lunchrooms, or supervising
18 students when being transported in buses serving the
19 Organizational Unit.

20 "Target Ratio" is defined in paragraph (4) of
21 subsection (g).

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

24 "Tier 1 Aggregate Funding", "Tier 2 Aggregate
25 Funding", "Tier 3 Aggregate Funding", and "Tier 4
26 Aggregate Funding" are defined in paragraph (1) of

1 subsection (g).

2 (b) Adequacy Target calculation.

3 (1) Each Organizational Unit's Adequacy Target is the
4 sum of the Organizational Unit's cost of providing
5 Essential Elements, as calculated in accordance with this
6 subsection (b), with the salary amounts in the Essential
7 Elements multiplied by a Regionalization Factor calculated
8 pursuant to paragraph (3) of this subsection (b).

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

17 (A) Core class size investments. Each
18 Organizational Unit shall receive the funding required
19 to support that number of FTE core teacher positions
20 as is needed to keep the respective class sizes of the
21 Organizational Unit to the following maximum numbers:

22 (i) For grades kindergarten through 3, the
23 Organizational Unit shall receive funding required
24 to support one FTE core teacher position for every
25 15 Low-Income Count students in those grades and
26 one FTE core teacher position for every 20

1 non-Low-Income Count students in those grades.

2 (ii) For grades 4 through 12, the
3 Organizational Unit shall receive funding required
4 to support one FTE core teacher position for every
5 20 Low-Income Count students in those grades and
6 one FTE core teacher position for every 25
7 non-Low-Income Count students in those grades.

8 The number of non-Low-Income Count students in a
9 grade shall be determined by subtracting the
10 Low-Income students in that grade from the ASE of the
11 Organizational Unit for that grade.

12 (B) Specialist teacher investments. Each
13 Organizational Unit shall receive the funding needed
14 to cover that number of FTE specialist teacher
15 positions that correspond to the following
16 percentages:

17 (i) if the Organizational Unit operates an
18 elementary or middle school, then 20.00% of the
19 number of the Organizational Unit's core teachers,
20 as determined under subparagraph (A) of this
21 paragraph (2); and

22 (ii) if such Organizational Unit operates a
23 high school, then 33.33% of the number of the
24 Organizational Unit's core teachers.

25 (C) Instructional facilitator investments. Each
26 Organizational Unit shall receive the funding needed

1 to cover one FTE instructional facilitator position
2 for every 200 combined ASE of pre-kindergarten
3 children with disabilities and all kindergarten
4 through grade 12 students of the Organizational Unit.

5 (D) Core intervention teacher (tutor) investments.
6 Each Organizational Unit shall receive the funding
7 needed to cover one FTE teacher position for each
8 prototypical elementary, middle, and high school.

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

23 (F) Core school counselor investments. Each
24 Organizational Unit shall receive the funding needed
25 to cover one FTE school counselor for each 450
26 combined ASE of pre-kindergarten children with

1 disabilities and all kindergarten through grade 5
2 students, plus one FTE school counselor for each 250
3 grades 6 through 8 ASE middle school students, plus
4 one FTE school counselor for each 250 grades 9 through
5 12 ASE high school students.

6 (G) Nurse investments. Each Organizational Unit
7 shall receive the funding needed to cover one FTE
8 nurse for each 750 combined ASE of pre-kindergarten
9 children with disabilities and all kindergarten
10 through grade 12 students across all grade levels it
11 serves.

12 (H) Supervisory aide investments. Each
13 Organizational Unit shall receive the funding needed
14 to cover one FTE for each 225 combined ASE of
15 pre-kindergarten children with disabilities and all
16 kindergarten through grade 5 students, plus one FTE
17 for each 225 ASE middle school students, plus one FTE
18 for each 200 ASE high school students.

19 (I) Librarian investments. Each Organizational
20 Unit shall receive the funding needed to cover one FTE
21 librarian for each prototypical elementary school,
22 middle school, and high school and one FTE aide or
23 media technician for every 300 combined ASE of
24 pre-kindergarten children with disabilities and all
25 kindergarten through grade 12 students.

26 (J) Principal investments. Each Organizational

1 Unit shall receive the funding needed to cover one FTE
2 principal position for each prototypical elementary
3 school, plus one FTE principal position for each
4 prototypical middle school, plus one FTE principal
5 position for each prototypical high school.

6 (K) Assistant principal investments. Each
7 Organizational Unit shall receive the funding needed
8 to cover one FTE assistant principal position for each
9 prototypical elementary school, plus one FTE assistant
10 principal position for each prototypical middle
11 school, plus one FTE assistant principal position for
12 each prototypical high school.

13 (L) School site staff investments. Each
14 Organizational Unit shall receive the funding needed
15 for one FTE position for each 225 ASE of
16 pre-kindergarten children with disabilities and all
17 kindergarten through grade 5 students, plus one FTE
18 position for each 225 ASE middle school students, plus
19 one FTE position for each 200 ASE high school
20 students.

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

24 (N) Professional development investments. Each
25 Organizational Unit shall receive \$125 per student of
26 the combined ASE of pre-kindergarten children with

1 disabilities and all kindergarten through grade 12
2 students for trainers and other professional
3 development-related expenses for supplies and
4 materials.

5 (O) Instructional material investments. Each
6 Organizational Unit shall receive \$190 per student of
7 the combined ASE of pre-kindergarten children with
8 disabilities and all kindergarten through grade 12
9 students to cover instructional material costs.

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

15 (Q) Computer technology and equipment investments.
16 Each Organizational Unit shall receive \$285.50 per
17 student of the combined ASE of pre-kindergarten
18 children with disabilities and all kindergarten
19 through grade 12 students to cover computer technology
20 and equipment costs. For the 2018-2019 school year and
21 subsequent school years, Organizational Units assigned
22 to Tier 1 and Tier 2 in the prior school year shall
23 receive an additional \$285.50 per student of the
24 combined ASE of pre-kindergarten children with
25 disabilities and all kindergarten through grade 12
26 students to cover computer technology and equipment

1 costs in the Organizational Unit's Adequacy Target.
2 The State Board may establish additional requirements
3 for Organizational Unit expenditures of funds received
4 pursuant to this subparagraph (Q), including a
5 requirement that funds received pursuant to this
6 subparagraph (Q) may be used only for serving the
7 technology needs of the district. It is the intent of
8 Public Act 100-465 that all Tier 1 and Tier 2 districts
9 receive the addition to their Adequacy Target in the
10 following year, subject to compliance with the
11 requirements of the State Board.

12 (R) Student activities investments. Each
13 Organizational Unit shall receive the following
14 funding amounts to cover student activities: \$100 per
15 kindergarten through grade 5 ASE student in elementary
16 school, plus \$200 per ASE student in middle school,
17 plus \$675 per ASE student in high school.

18 (S) Maintenance and operations investments. Each
19 Organizational Unit shall receive \$1,038 per student
20 of the combined ASE of pre-kindergarten children with
21 disabilities and all kindergarten through grade 12
22 students for day-to-day maintenance and operations
23 expenditures, including salary, supplies, and
24 materials, as well as purchased services, but
25 excluding employee benefits. The proportion of salary
26 for the application of a Regionalization Factor and

1 the calculation of benefits is equal to \$352.92.

2 (T) Central office investments. Each
3 Organizational Unit shall receive \$742 per student of
4 the combined ASE of pre-kindergarten children with
5 disabilities and all kindergarten through grade 12
6 students to cover central office operations, including
7 administrators and classified personnel charged with
8 managing the instructional programs, business and
9 operations of the school district, and security
10 personnel. The proportion of salary for the
11 application of a Regionalization Factor and the
12 calculation of benefits is equal to \$368.48.

13 (U) Employee benefit investments. Each
14 Organizational Unit shall receive 30% of the total of
15 all salary-calculated elements of the Adequacy Target,
16 excluding substitute teachers and student activities
17 investments, to cover benefit costs. For central
18 office and maintenance and operations investments, the
19 benefit calculation shall be based upon the salary
20 proportion of each investment. If at any time the
21 responsibility for funding the employer normal cost of
22 teacher pensions is assigned to school districts, then
23 that amount certified by the Teachers' Retirement
24 System of the State of Illinois to be paid by the
25 Organizational Unit for the preceding school year
26 shall be added to the benefit investment. For any

1 fiscal year in which a school district organized under
2 Article 34 of this Code is responsible for paying the
3 employer normal cost of teacher pensions, then that
4 amount of its employer normal cost plus the amount for
5 retiree health insurance as certified by the Public
6 School Teachers' Pension and Retirement Fund of
7 Chicago to be paid by the school district for the
8 preceding school year that is statutorily required to
9 cover employer normal costs and the amount for retiree
10 health insurance shall be added to the 30% specified
11 in this subparagraph (U). The Teachers' Retirement
12 System of the State of Illinois and the Public School
13 Teachers' Pension and Retirement Fund of Chicago shall
14 submit such information as the State Superintendent
15 may require for the calculations set forth in this
16 subparagraph (U).

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

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

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

26 (iii) one FTE extended day teacher position

1 for every 120 Low-Income Count students; and
2 (iv) one FTE summer school teacher position
3 for every 120 Low-Income Count students.

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

- 10 (i) one FTE intervention teacher (tutor)
11 position for every 125 English learner students;
12 (ii) one FTE pupil support staff position for
13 every 125 English learner students;
14 (iii) one FTE extended day teacher position
15 for every 120 English learner students;
16 (iv) one FTE summer school teacher position
17 for every 120 English learner students; and
18 (v) one FTE core teacher position for every
19 100 English learner students.

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

- 24 (i) one FTE teacher position for every 141
25 combined ASE of pre-kindergarten children with
26 disabilities and all kindergarten through grade 12

1 students;

2 (ii) one FTE instructional assistant for every
3 141 combined ASE of pre-kindergarten children with
4 disabilities and all kindergarten through grade 12
5 students; and

6 (iii) one FTE psychologist position for every
7 1,000 combined ASE of pre-kindergarten children
8 with disabilities and all kindergarten through
9 grade 12 students.

10 (3) For calculating the salaries included within the
11 Essential Elements, the State Superintendent shall
12 annually calculate average salaries to the nearest dollar
13 using the employment information system data maintained by
14 the State Board, limited to public schools only and
15 excluding special education and vocational cooperatives,
16 schools operated by the Department of Juvenile Justice,
17 and charter schools, for the following positions:

18 (A) Teacher for grades K through 8.

19 (B) Teacher for grades 9 through 12.

20 (C) Teacher for grades K through 12.

21 (D) School counselor for grades K through 8.

22 (E) School counselor for grades 9 through 12.

23 (F) School counselor for grades K through 12.

24 (G) Social worker.

25 (H) Psychologist.

26 (I) Librarian.

1 (J) Nurse.

2 (K) Principal.

3 (L) Assistant principal.

4 For the purposes of this paragraph (3), "teacher"
5 includes core teachers, specialist and elective teachers,
6 instructional facilitators, tutors, special education
7 teachers, pupil support staff teachers, English learner
8 teachers, extended day teachers, and summer school
9 teachers. Where specific grade data is not required for
10 the Essential Elements, the average salary for
11 corresponding positions shall apply. For substitute
12 teachers, the average teacher salary for grades K through
13 12 shall apply.

14 For calculating the salaries included within the
15 Essential Elements for positions not included within EIS
16 Data, the following salaries shall be used in the first
17 year of implementation of Evidence-Based Funding:

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

19 (ii) non-instructional assistant, instructional
20 assistant, library aide, library media tech, or
21 supervisory aide: \$25,000.

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

26 The salary amounts for the Essential Elements

1 determined pursuant to subparagraphs (A) through (L), (S)
2 and (T), and (V) through (X) of paragraph (2) of
3 subsection (b) of this Section shall be multiplied by a
4 Regionalization Factor.

5 (c) Local Capacity calculation.

6 (1) Each Organizational Unit's Local Capacity
7 represents an amount of funding it is assumed to
8 contribute toward its Adequacy Target for purposes of the
9 Evidence-Based Funding formula calculation. "Local
10 Capacity" means either (i) the Organizational Unit's Local
11 Capacity Target as calculated in accordance with paragraph
12 (2) of this subsection (c) if its Real Receipts are equal
13 to or less than its Local Capacity Target or (ii) the
14 Organizational Unit's Adjusted Local Capacity, as
15 calculated in accordance with paragraph (3) of this
16 subsection (c) if Real Receipts are more than its Local
17 Capacity Target.

18 (2) "Local Capacity Target" means, for an
19 Organizational Unit, that dollar amount that is obtained
20 by multiplying its Adequacy Target by its Local Capacity
21 Ratio.

22 (A) An Organizational Unit's Local Capacity
23 Percentage is the conversion of the Organizational
24 Unit's Local Capacity Ratio, as such ratio is
25 determined in accordance with subparagraph (B) of this
26 paragraph (2), into a cumulative distribution

1 resulting in a percentile ranking to determine each
2 Organizational Unit's relative position to all other
3 Organizational Units in this State. The calculation of
4 Local Capacity Percentage is described in subparagraph
5 (C) of this paragraph (2).

6 (B) An Organizational Unit's Local Capacity Ratio
7 in a given year is the percentage obtained by dividing
8 its Adjusted EAV or PTELL EAV, whichever is less, by
9 its Adequacy Target, with the resulting ratio further
10 adjusted as follows:

11 (i) for Organizational Units serving grades
12 kindergarten through 12 and Hybrid Districts, no
13 further adjustments shall be made;

14 (ii) for Organizational Units serving grades
15 kindergarten through 8, the ratio shall be
16 multiplied by 9/13;

17 (iii) for Organizational Units serving grades
18 9 through 12, the Local Capacity Ratio shall be
19 multiplied by 4/13; and

20 (iv) for an Organizational Unit with a
21 different grade configuration than those specified
22 in items (i) through (iii) of this subparagraph
23 (B), the State Superintendent shall determine a
24 comparable adjustment based on the grades served.

25 (C) The Local Capacity Percentage is equal to the
26 percentile ranking of the district. Local Capacity

1 Percentage converts each Organizational Unit's Local
2 Capacity Ratio to a cumulative distribution resulting
3 in a percentile ranking to determine each
4 Organizational Unit's relative position to all other
5 Organizational Units in this State. The Local Capacity
6 Percentage cumulative distribution resulting in a
7 percentile ranking for each Organizational Unit shall
8 be calculated using the standard normal distribution
9 of the score in relation to the weighted mean and
10 weighted standard deviation and Local Capacity Ratios
11 of all Organizational Units. If the value assigned to
12 any Organizational Unit is in excess of 90%, the value
13 shall be adjusted to 90%. For Laboratory Schools, the
14 Local Capacity Percentage shall be set at 10% in
15 recognition of the absence of EAV and resources from
16 the public university that are allocated to the
17 Laboratory School. For programs operated by a regional
18 office of education or an intermediate service center,
19 the Local Capacity Percentage must be set at 10% in
20 recognition of the absence of EAV and resources from
21 school districts that are allocated to the regional
22 office of education or intermediate service center.
23 The weighted mean for the Local Capacity Percentage
24 shall be determined by multiplying each Organizational
25 Unit's Local Capacity Ratio times the ASE for the unit
26 creating a weighted value, summing the weighted values

1 of all Organizational Units, and dividing by the total
2 ASE of all Organizational Units. The weighted standard
3 deviation shall be determined by taking the square
4 root of the weighted variance of all Organizational
5 Units' Local Capacity Ratio, where the variance is
6 calculated by squaring the difference between each
7 unit's Local Capacity Ratio and the weighted mean,
8 then multiplying the variance for each unit times the
9 ASE for the unit to create a weighted variance for each
10 unit, then summing all units' weighted variance and
11 dividing by the total ASE of all units.

12 (D) For any Organizational Unit, the
13 Organizational Unit's Adjusted Local Capacity Target
14 shall be reduced by either (i) the school board's
15 remaining contribution pursuant to paragraph (ii) of
16 subsection (b-4) of Section 16-158 of the Illinois
17 Pension Code in a given year or (ii) the board of
18 education's remaining contribution pursuant to
19 paragraph (iv) of subsection (b) of Section 17-129 of
20 the Illinois Pension Code absent the employer normal
21 cost portion of the required contribution and amount
22 allowed pursuant to subdivision (3) of Section
23 17-142.1 of the Illinois Pension Code in a given year.
24 In the preceding sentence, item (i) shall be certified
25 to the State Board of Education by the Teachers'
26 Retirement System of the State of Illinois and item

1 (ii) shall be certified to the State Board of
2 Education by the Public School Teachers' Pension and
3 Retirement Fund of the City of Chicago.

4 (3) If an Organizational Unit's Real Receipts are more
5 than its Local Capacity Target, then its Local Capacity
6 shall equal an Adjusted Local Capacity Target as
7 calculated in accordance with this paragraph (3). The
8 Adjusted Local Capacity Target is calculated as the sum of
9 the Organizational Unit's Local Capacity Target and its
10 Real Receipts Adjustment. The Real Receipts Adjustment
11 equals the Organizational Unit's Real Receipts less its
12 Local Capacity Target, with the resulting figure
13 multiplied by the Local Capacity Percentage.

14 As used in this paragraph (3), "Real Percent of
15 Adequacy" means the sum of an Organizational Unit's Real
16 Receipts, CPPRT, and Base Funding Minimum, with the
17 resulting figure divided by the Organizational Unit's
18 Adequacy Target.

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

21 (1) An Organizational Unit's Real Receipts are the
22 product of its Applicable Tax Rate and its Adjusted EAV.
23 An Organizational Unit's Applicable Tax Rate is its
24 Adjusted Operating Tax Rate for property within the
25 Organizational Unit.

26 (2) The State Superintendent shall calculate the

1 equalized assessed valuation, or EAV, of all taxable
2 property of each Organizational Unit as of September 30 of
3 the previous year in accordance with paragraph (3) of this
4 subsection (d). The State Superintendent shall then
5 determine the Adjusted EAV of each Organizational Unit in
6 accordance with paragraph (4) of this subsection (d),
7 which Adjusted EAV figure shall be used for the purposes
8 of calculating Local Capacity.

9 (3) To calculate Real Receipts and EAV, the Department
10 of Revenue shall supply to the State Superintendent the
11 value as equalized or assessed by the Department of
12 Revenue of all taxable property of every Organizational
13 Unit, together with (i) the applicable tax rate used in
14 extending taxes for the funds of the Organizational Unit
15 as of September 30 of the previous year and (ii) the
16 limiting rate for all Organizational Units subject to
17 property tax extension limitations as imposed under PTELL.

18 (A) The Department of Revenue shall add to the
19 equalized assessed value of all taxable property of
20 each Organizational Unit situated entirely or
21 partially within a county that is or was subject to the
22 provisions of Section 15-176 or 15-177 of the Property
23 Tax Code (i) an amount equal to the total amount by
24 which the homestead exemption allowed under Section
25 15-176 or 15-177 of the Property Tax Code for real
26 property situated in that Organizational Unit exceeds

1 the total amount that would have been allowed in that
2 Organizational Unit if the maximum reduction under
3 Section 15-176 was (I) \$4,500 in Cook County or \$3,500
4 in all other counties in tax year 2003 or (II) \$5,000
5 in all counties in tax year 2004 and thereafter and
6 (ii) an amount equal to the aggregate amount for the
7 taxable year of all additional exemptions under
8 Section 15-175 of the Property Tax Code for owners
9 with a household income of \$30,000 or less. The county
10 clerk of any county that is or was subject to the
11 provisions of Section 15-176 or 15-177 of the Property
12 Tax Code shall annually calculate and certify to the
13 Department of Revenue for each Organizational Unit all
14 homestead exemption amounts under Section 15-176 or
15 15-177 of the Property Tax Code and all amounts of
16 additional exemptions under Section 15-175 of the
17 Property Tax Code for owners with a household income
18 of \$30,000 or less. It is the intent of this
19 subparagraph (A) that if the general homestead
20 exemption for a parcel of property is determined under
21 Section 15-176 or 15-177 of the Property Tax Code
22 rather than Section 15-175, then the calculation of
23 EAV shall not be affected by the difference, if any,
24 between the amount of the general homestead exemption
25 allowed for that parcel of property under Section
26 15-176 or 15-177 of the Property Tax Code and the

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

11 (B) With respect to any part of an Organizational
12 Unit within a redevelopment project area in respect to
13 which a municipality has adopted tax increment
14 allocation financing pursuant to the Tax Increment
15 Allocation Redevelopment Act, Division 74.4 of Article
16 11 of the Illinois Municipal Code, or the Industrial
17 Jobs Recovery Law, Division 74.6 of Article 11 of the
18 Illinois Municipal Code, no part of the current EAV of
19 real property located in any such project area that is
20 attributable to an increase above the total initial
21 EAV of such property shall be used as part of the EAV
22 of the Organizational Unit, until such time as all
23 redevelopment project costs have been paid, as
24 provided in Section 11-74.4-8 of the Tax Increment
25 Allocation Redevelopment Act or in Section 11-74.6-35
26 of the Industrial Jobs Recovery Law. For the purpose

1 of the EAV of the Organizational Unit, the total
2 initial EAV or the current EAV, whichever is lower,
3 shall be used until such time as all redevelopment
4 project costs have been paid.

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

20 (C) For Organizational Units that are Hybrid
21 Districts, the State Superintendent shall use the
22 lesser of the adjusted equalized assessed valuation
23 for property within the partial elementary unit
24 district for elementary purposes, as defined in
25 Article 11E of this Code, or the adjusted equalized
26 assessed valuation for property within the partial

1 elementary unit district for high school purposes, as
2 defined in Article 11E of this Code.

3 (D) If a school district's boundaries span
4 multiple counties, then the Department of Revenue
5 shall send to the State Board, for the purposes of
6 calculating Evidence-Based Funding, the limiting rate
7 and individual rates by purpose for the county that
8 contains the majority of the school district's
9 equalized assessed valuation.

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

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

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

1 equalized assessed valuation of new property, annexed
2 property, and recovered tax increment value and minus the
3 equalized assessed valuation of disconnected property.

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

7 (e) Base Funding Minimum calculation.

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

1 allocated to the school district pursuant to Section 1D-1
2 of this Code attributable to funding programs authorized
3 by the Sections of this Code listed in the preceding
4 sentence and (ii) the difference between (I) the funds
5 allocated to the school district pursuant to Section 1D-1
6 of this Code attributable to the funding programs
7 authorized by Section 14-7.02 (non-public special
8 education reimbursement), subsection (b) of Section
9 14-13.01 (special education transportation), Section 29-5
10 (transportation), Section 2-3.80 (agricultural
11 education), Section 2-3.66 (truants' alternative
12 education), Section 2-3.62 (educational service centers),
13 and Section 14-7.03 (special education - orphanage) of
14 this Code and Section 15 of the Childhood Hunger Relief
15 Act (free breakfast program) and (II) the school
16 district's actual expenditures for its non-public special
17 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 For programs operated by a regional office of education or
26 an intermediate service center, the Base Funding Minimum

1 must be the total amount of State funds allocated to those
2 programs in the 2018-2019 school year and amounts provided
3 pursuant to Article 34 of Public Act 100-586 and Section
4 3-16 of this Code. All programs established after June 5,
5 2019 (the effective date of Public Act 101-10) and
6 administered by a regional office of education or an
7 intermediate service center must have an initial Base
8 Funding Minimum set to an amount equal to the first-year
9 ASE multiplied by the amount of per pupil funding received
10 in the previous school year by the lowest funded similar
11 existing program type. If the enrollment for a program
12 operated by a regional office of education or an
13 intermediate service center is zero, then it may not
14 receive Base Funding Minimum funds for that program in the
15 next fiscal year, and those funds must be distributed to
16 Organizational Units under subsection (g).

17 (2) For the 2018-2019 and subsequent school years, the
18 Base Funding Minimum of Organizational Units and Specially
19 Funded Units shall be the sum of (i) the amount of
20 Evidence-Based Funding for the prior school year, (ii) the
21 Base Funding Minimum for the prior school year, and (iii)
22 any amount received by a school district pursuant to
23 Section 7 of Article 97 of Public Act 100-21.

24 (3) Subject to approval by the General Assembly as
25 provided in this paragraph (3), an Organizational Unit
26 that meets all of the following criteria, as determined by

1 the State Board, shall have District Intervention Money
2 added to its Base Funding Minimum at the time the Base
3 Funding Minimum is calculated by the State Board:

4 (A) The Organizational Unit is operating under an
5 Independent Authority under Section 2-3.25f-5 of this
6 Code for a minimum of 4 school years or is subject to
7 the control of the State Board pursuant to a court
8 order for a minimum of 4 school years.

9 (B) The Organizational Unit was designated as a
10 Tier 1 or Tier 2 Organizational Unit in the previous
11 school year under paragraph (3) of subsection (g) of
12 this Section.

13 (C) The Organizational Unit demonstrates
14 sustainability through a 5-year financial and
15 strategic plan.

16 (D) The Organizational Unit has made sufficient
17 progress and achieved sufficient stability in the
18 areas of governance, academic growth, and finances.

19 As part of its determination under this paragraph (3),
20 the State Board may consider the Organizational Unit's
21 summative designation, any accreditations of the
22 Organizational Unit, or the Organizational Unit's
23 financial profile, as calculated by the State Board.

24 If the State Board determines that an Organizational
25 Unit has met the criteria set forth in this paragraph (3),
26 it must submit a report to the General Assembly, no later

1 than January 2 of the fiscal year in which the State Board
2 makes its determination, on the amount of District
3 Intervention Money to add to the Organizational Unit's
4 Base Funding Minimum. The General Assembly must review the
5 State Board's report and may approve or disapprove, by
6 joint resolution, the addition of District Intervention
7 Money. If the General Assembly fails to act on the report
8 within 40 calendar days from the receipt of the report,
9 the addition of District Intervention Money is deemed
10 approved. If the General Assembly approves the amount of
11 District Intervention Money to be added to the
12 Organizational Unit's Base Funding Minimum, the District
13 Intervention Money must be added to the Base Funding
14 Minimum annually thereafter.

15 For the first 4 years following the initial year that
16 the State Board determines that an Organizational Unit has
17 met the criteria set forth in this paragraph (3) and has
18 received funding under this Section, the Organizational
19 Unit must annually submit to the State Board, on or before
20 November 30, a progress report regarding its financial and
21 strategic plan under subparagraph (C) of this paragraph
22 (3). The plan shall include the financial data from the
23 past 4 annual financial reports or financial audits that
24 must be presented to the State Board by November 15 of each
25 year and the approved budget financial data for the
26 current year. The plan shall be developed according to the

1 guidelines presented to the Organizational Unit by the
2 State Board. The plan shall further include financial
3 projections for the next 3 fiscal years and include a
4 discussion and financial summary of the Organizational
5 Unit's facility needs. If the Organizational Unit does not
6 demonstrate sufficient progress toward its 5-year plan or
7 if it has failed to file an annual financial report, an
8 annual budget, a financial plan, a deficit reduction plan,
9 or other financial information as required by law, the
10 State Board may establish a Financial Oversight Panel
11 under Article 1H of this Code. However, if the
12 Organizational Unit already has a Financial Oversight
13 Panel, the State Board may extend the duration of the
14 Panel.

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

16 (1) The Evidence-Based Funding formula establishes a
17 Percent of Adequacy for each Organizational Unit in order
18 to place such units into tiers for the purposes of the
19 funding distribution system described in subsection (g) of
20 this Section. Initially, an Organizational Unit's
21 Preliminary Resources and Preliminary Percent of Adequacy
22 are calculated pursuant to paragraph (2) of this
23 subsection (f). Then, an Organizational Unit's Final
24 Resources and Final Percent of Adequacy are calculated to
25 account for the Organizational Unit's poverty
26 concentration levels pursuant to paragraphs (3) and (4) of

1 this subsection (f).

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

7 (3) Except for Specially Funded Units, an
8 Organizational Unit's Final Resources are equal to the sum
9 of its Local Capacity, CPPRT, and Adjusted Base Funding
10 Minimum. The Base Funding Minimum of each Specially Funded
11 Unit shall serve as its Final Resources, except that the
12 Base Funding Minimum for State-approved charter schools
13 shall not include any portion of general State aid
14 allocated in the prior year based on the per capita
15 tuition charge times the charter school enrollment.

16 (4) An Organizational Unit's Final Percent of Adequacy
17 is its Final Resources divided by its Adequacy Target. An
18 Organizational Unit's Adjusted Base Funding Minimum is
19 equal to its Base Funding Minimum less its Supplemental
20 Grant Funding, with the resulting figure added to the
21 product of its Supplemental Grant Funding and Preliminary
22 Percent of Adequacy.

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

24 (1) In each school year under the Evidence-Based
25 Funding formula, each Organizational Unit receives funding
26 equal to the sum of its Base Funding Minimum and the unit's

1 allocation of New State Funds determined pursuant to this
2 subsection (g). To allocate New State Funds, the
3 Evidence-Based Funding formula distribution system first
4 places all Organizational Units into one of 4 tiers in
5 accordance with paragraph (3) of this subsection (g),
6 based on the Organizational Unit's Final Percent of
7 Adequacy. New State Funds are allocated to each of the 4
8 tiers as follows: Tier 1 Aggregate Funding equals 50% of
9 all New State Funds, Tier 2 Aggregate Funding equals 49%
10 of all New State Funds, Tier 3 Aggregate Funding equals
11 0.9% of all New State Funds, and Tier 4 Aggregate Funding
12 equals 0.1% of all New State Funds. Each Organizational
13 Unit within Tier 1 or Tier 2 receives an allocation of New
14 State Funds equal to its tier Funding Gap, as defined in
15 the following sentence, multiplied by the tier's
16 Allocation Rate determined pursuant to paragraph (4) of
17 this subsection (g). For Tier 1, an Organizational Unit's
18 Funding Gap equals the tier's Target Ratio, as specified
19 in paragraph (5) of this subsection (g), multiplied by the
20 Organizational Unit's Adequacy Target, with the resulting
21 amount reduced by the Organizational Unit's Final
22 Resources. For Tier 2, an Organizational Unit's Funding
23 Gap equals the tier's Target Ratio, as described in
24 paragraph (5) of this subsection (g), multiplied by the
25 Organizational Unit's Adequacy Target, with the resulting
26 amount reduced by the Organizational Unit's Final

1 Resources and its Tier 1 funding allocation. To determine
2 the Organizational Unit's Funding Gap, the resulting
3 amount is then multiplied by a factor equal to one minus
4 the Organizational Unit's Local Capacity Target
5 percentage. Each Organizational Unit within Tier 3 or Tier
6 4 receives an allocation of New State Funds equal to the
7 product of its Adequacy Target and the tier's Allocation
8 Rate, as specified in paragraph (4) of this subsection
9 (g).

10 (2) To ensure equitable distribution of dollars for
11 all Tier 2 Organizational Units, no Tier 2 Organizational
12 Unit shall receive fewer dollars per ASE than any Tier 3
13 Organizational Unit. Each Tier 2 and Tier 3 Organizational
14 Unit shall have its funding allocation divided by its ASE.
15 Any Tier 2 Organizational Unit with a funding allocation
16 per ASE below the greatest Tier 3 allocation per ASE shall
17 get a funding allocation equal to the greatest Tier 3
18 funding allocation per ASE multiplied by the
19 Organizational Unit's ASE. Each Tier 2 Organizational
20 Unit's Tier 2 funding allocation shall be multiplied by
21 the percentage calculated by dividing the original Tier 2
22 Aggregate Funding by the sum of all Tier 2 Organizational
23 Units' Tier 2 funding allocation after adjusting
24 districts' funding below Tier 3 levels.

25 (3) Organizational Units are placed into one of 4
26 tiers as follows:

1 (A) Tier 1 consists of all Organizational Units,
2 except for Specially Funded Units, with a Percent of
3 Adequacy less than the Tier 1 Target Ratio. The Tier 1
4 Target Ratio is the ratio level that allows for Tier 1
5 Aggregate Funding to be distributed, with the Tier 1
6 Allocation Rate determined pursuant to paragraph (4)
7 of this subsection (g).

8 (B) Tier 2 consists of all Tier 1 Units and all
9 other Organizational Units, except for Specially
10 Funded Units, with a Percent of Adequacy of less than
11 0.90.

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

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

17 (4) The Allocation Rates for Tiers 1 through 4 are
18 determined as follows:

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

20 (B) The Tier 2 Allocation Rate is the result of the
21 following equation: Tier 2 Aggregate Funding, divided
22 by the sum of the Funding Gaps for all Tier 2
23 Organizational Units, unless the result of such
24 equation is higher than 1.0. If the result of such
25 equation is higher than 1.0, then the Tier 2
26 Allocation Rate is 1.0.

1 (C) The Tier 3 Allocation Rate is the result of the
2 following equation: Tier 3 Aggregate Funding, divided
3 by the sum of the Adequacy Targets of all Tier 3
4 Organizational Units.

5 (D) The Tier 4 Allocation Rate is the result of the
6 following equation: Tier 4 Aggregate Funding, divided
7 by the sum of the Adequacy Targets of all Tier 4
8 Organizational Units.

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

10 (A) The Tier 1 Target Ratio is the ratio level that
11 allows for Tier 1 Aggregate Funding to be distributed
12 with the Tier 1 Allocation Rate.

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

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

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

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

23 (8) If any Specially Funded Units, excluding Glenwood
24 Academy, recognized by the State Board do not qualify for
25 direct funding following the implementation of Public Act
26 100-465 from any of the funding sources included within

1 the definition of Base Funding Minimum, the unqualified
2 portion of the Base Funding Minimum shall be transferred
3 to one or more appropriate Organizational Units as
4 determined by the State Superintendent based on the prior
5 year ASE of the Organizational Units.

6 (8.5) If a school district withdraws from a special
7 education cooperative, the portion of the Base Funding
8 Minimum that is attributable to the school district may be
9 redistributed to the school district upon withdrawal. The
10 school district and the cooperative must include the
11 amount of the Base Funding Minimum that is to be
12 reapportioned in their withdrawal agreement and notify the
13 State Board of the change with a copy of the agreement upon
14 withdrawal.

15 (9) The Minimum Funding Level is intended to establish
16 a target for State funding that will keep pace with
17 inflation and continue to advance equity through the
18 Evidence-Based Funding formula. The target for State
19 funding of New Property Tax Relief Pool Funds is
20 \$50,000,000 for State fiscal year 2019 and subsequent
21 State fiscal years. The Minimum Funding Level is equal to
22 \$350,000,000. In addition to any New State Funds, no more
23 than \$50,000,000 New Property Tax Relief Pool Funds may be
24 counted toward the Minimum Funding Level. If the sum of
25 New State Funds and applicable New Property Tax Relief
26 Pool Funds are less than the Minimum Funding Level, than

1 funding for tiers shall be reduced in the following
2 manner:

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

7 (B) Next, Tier 3 funding shall be reduced by an
8 amount equal to the difference between the Minimum
9 Funding Level and New State Funds and the reduction in
10 Tier 4 funding until such time as Tier 3 funding is
11 exhausted.

12 (C) Next, Tier 2 funding shall be reduced by an
13 amount equal to the difference between the Minimum
14 Funding Level and New State Funds and the reduction in
15 Tier 4 and Tier 3.

16 (D) Finally, Tier 1 funding shall be reduced by an
17 amount equal to the difference between the Minimum
18 Funding level and New State Funds and the reduction in
19 Tier 2, 3, and 4 funding. In addition, the Allocation
20 Rate for Tier 1 shall be reduced to a percentage equal
21 to the Tier 1 Allocation Rate set by paragraph (4) of
22 this subsection (g), multiplied by the result of New
23 State Funds divided by the Minimum Funding Level.

24 (9.5) For State fiscal year 2019 and subsequent State
25 fiscal years, if New State Funds exceed \$300,000,000, then
26 any amount in excess of \$300,000,000 shall be dedicated

1 for purposes of Section 2-3.170 of this Code up to a
2 maximum of \$50,000,000.

3 (10) In the event of a decrease in the amount of the
4 appropriation for this Section in any fiscal year after
5 implementation of this Section, the Organizational Units
6 receiving Tier 1 and Tier 2 funding, as determined under
7 paragraph (3) of this subsection (g), shall be held
8 harmless by establishing a Base Funding Guarantee equal to
9 the per pupil kindergarten through grade 12 funding
10 received in accordance with this Section in the prior
11 fiscal year. Reductions shall be made to the Base Funding
12 Minimum of Organizational Units in Tier 3 and Tier 4 on a
13 per pupil basis equivalent to the total number of the ASE
14 in Tier 3-funded and Tier 4-funded Organizational Units
15 divided by the total reduction in State funding. The Base
16 Funding Minimum as reduced shall continue to be applied to
17 Tier 3 and Tier 4 Organizational Units and adjusted by the
18 relative formula when increases in appropriations for this
19 Section resume. In no event may State funding reductions
20 to Organizational Units in Tier 3 or Tier 4 exceed an
21 amount that would be less than the Base Funding Minimum
22 established in the first year of implementation of this
23 Section. If additional reductions are required, all school
24 districts shall receive a reduction by a per pupil amount
25 equal to the aggregate additional appropriation reduction
26 divided by the total ASE of all Organizational Units.

1 (11) The State Superintendent shall make minor
2 adjustments to the distribution formula set forth in this
3 subsection (g) to account for the rounding of percentages
4 to the nearest tenth of a percentage and dollar amounts to
5 the nearest whole dollar.

6 (h) State Superintendent administration of funding and
7 district submission requirements.

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

11 (2) The State Superintendent shall calculate the
12 Adequacy Target for each Organizational Unit ~~and Net State~~
13 ~~Contribution Target for each Organizational Unit~~ under
14 this Section. No Evidence-Based Funding shall be
15 distributed within an Organizational Unit without the
16 approval of the unit's school board.

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

1 Element of the unit's Adequacy Target.

2 (4) Annually, the State Superintendent shall calculate
3 and report to each Organizational Unit the amount the unit
4 must expend on special education and bilingual education
5 and computer technology and equipment for Organizational
6 Units assigned to Tier 1 or Tier 2 that received an
7 additional \$285.50 per student computer technology and
8 equipment investment grant to their Adequacy Target
9 pursuant to the unit's Base Funding Minimum, Special
10 Education Allocation, Bilingual Education Allocation, and
11 computer technology and equipment investment allocation.

12 (5) Moneys distributed under this Section shall be
13 calculated on a school year basis, but paid on a fiscal
14 year basis, with payments beginning in August and
15 extending through June. Unless otherwise provided, the
16 moneys appropriated for each fiscal year shall be
17 distributed in 22 equal payments at least 2 times monthly
18 to each Organizational Unit. If moneys appropriated for
19 any fiscal year are distributed other than monthly, the
20 distribution shall be on the same basis for each
21 Organizational Unit.

22 (6) Any school district that fails, for any given
23 school year, to maintain school as required by law or to
24 maintain a recognized school is not eligible to receive
25 Evidence-Based Funding. In case of non-recognition of one
26 or more attendance centers in a school district otherwise

1 operating recognized schools, the claim of the district
2 shall be reduced in the proportion that the enrollment in
3 the attendance center or centers bears to the enrollment
4 of the school district. "Recognized school" means any
5 public school that meets the standards for recognition by
6 the State Board. A school district or attendance center
7 not having recognition status at the end of a school term
8 is entitled to receive State aid payments due upon a legal
9 claim that was filed while it was recognized.

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

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

26 (9) All Organizational Units in this State must submit

1 annual spending plans by the end of September of each year
2 to the State Board as part of the annual budget process,
3 which shall describe how each Organizational Unit will
4 utilize the Base Funding Minimum and Evidence-Based
5 Funding it receives from this State under this Section
6 with specific identification of the intended utilization
7 of Low-Income, English learner, and special education
8 resources. Additionally, the annual spending plans of each
9 Organizational Unit shall describe how the Organizational
10 Unit expects to achieve student growth and how the
11 Organizational Unit will achieve State education goals, as
12 defined by the State Board. The State Superintendent may,
13 from time to time, identify additional requisites for
14 Organizational Units to satisfy when compiling the annual
15 spending plans required under this subsection (h). The
16 format and scope of annual spending plans shall be
17 developed by the State Superintendent and the State Board
18 of Education. School districts that serve students under
19 Article 14C of this Code shall continue to submit
20 information as required under Section 14C-12 of this Code.

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

1 Organization Act. The plan shall include recommendations
2 for:

3 (A) a framework for collaborative, professional,
4 innovative, and 21st century learning environments
5 using the Evidence-Based Funding model;

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

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

14 (D) implementation of an effective school adequacy
15 funding system based on projected and recommended
16 funding levels from the General Assembly.

17 (11) On an annual basis, the State Superintendent must
18 recalibrate all of the following per pupil elements of the
19 Adequacy Target and applied to the formulas, based on the
20 study of average expenses and as reported in the most
21 recent annual financial report:

22 (A) Gifted under subparagraph (M) of paragraph (2)
23 of subsection (b).

24 (B) Instructional materials under subparagraph (O)
25 of paragraph (2) of subsection (b).

26 (C) Assessment under subparagraph (P) of paragraph

1 (2) of subsection (b).

2 (D) Student activities under subparagraph (R) of
3 paragraph (2) of subsection (b).

4 (E) Maintenance and operations under subparagraph
5 (S) of paragraph (2) of subsection (b).

6 (F) Central office under subparagraph (T) of
7 paragraph (2) of subsection (b).

8 (i) Professional Review Panel.

9 (1) A Professional Review Panel is created to study
10 and review topics related to the implementation and effect
11 of Evidence-Based Funding, as assigned by a joint
12 resolution or Public Act of the General Assembly or a
13 motion passed by the State Board of Education. The Panel
14 must provide recommendations to and serve the Governor,
15 the General Assembly, and the State Board. The State
16 Superintendent or his or her designee must serve as a
17 voting member and chairperson of the Panel. The State
18 Superintendent must appoint a vice chairperson from the
19 membership of the Panel. The Panel must advance
20 recommendations based on a three-fifths majority vote of
21 Panel members present and voting. A minority opinion may
22 also accompany any recommendation 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
8 college, 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
21 the State Superintendent, 4 members of the General
22 Assembly shall be appointed as follows: one member of the
23 House of Representatives appointed by the Speaker of the
24 House of Representatives, one member of the Senate
25 appointed by the President of the Senate, one member of
26 the House of Representatives appointed by the Minority

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

6 (3) The Panel must study topics at the direction of
7 the General Assembly or State Board of Education, as
8 provided under paragraph (1). The Panel may also study the
9 following topics at the direction of the chairperson:

10 (A) The format and scope of annual spending plans
11 referenced in paragraph (9) of subsection (h) of this
12 Section.

13 (B) The Comparable Wage Index under this Section.

14 (C) Maintenance and operations, including capital
15 maintenance and construction costs.

16 (D) "At-risk student" definition.

17 (E) Benefits.

18 (F) Technology.

19 (G) Local Capacity Target.

20 (H) Funding for Alternative Schools, Laboratory
21 Schools, safe schools, and alternative learning
22 opportunities programs.

23 (I) Funding for college and career acceleration
24 strategies.

25 (J) Special education investments.

26 (K) Early childhood investments, in collaboration

1 with the Illinois Early Learning Council.

2 (4) (Blank).

3 (5) Within 5 years after the implementation of this
4 Section, and every 5 years thereafter, the Panel shall
5 complete an evaluative study of the entire Evidence-Based
6 Funding model, including an assessment of whether or not
7 the formula is achieving State goals. The Panel shall
8 report to the State Board, the General Assembly, and the
9 Governor on the findings of the study.

10 (6) (Blank).

11 (7) To ensure that (i) the Adequacy Target calculation
12 under subsection (b) accurately reflects the needs of
13 students living in poverty or attending schools located in
14 areas of high poverty, (ii) racial equity within the
15 Evidence-Based Funding formula is explicitly explored and
16 advanced, and (iii) the funding goals of the formula
17 distribution system established under this Section are
18 sufficient to provide adequate funding for every student
19 and to fully fund every school in this State, the Panel
20 shall review the Essential Elements under paragraph (2) of
21 subsection (b). The Panel shall consider all of the
22 following in its review:

23 (A) The financial ability of school districts to
24 provide instruction in a foreign language to every
25 student and whether an additional Essential Element
26 should be added to the formula to ensure that every

1 student has access to instruction in a foreign
2 language.

3 (B) The adult-to-student ratio for each Essential
4 Element in which a ratio is identified. The Panel
5 shall consider whether the ratio accurately reflects
6 the staffing needed to support students living in
7 poverty or who have traumatic backgrounds.

8 (C) Changes to the Essential Elements that may be
9 required to better promote racial equity and eliminate
10 structural racism within schools.

11 (D) The impact of investing \$350,000,000 in
12 additional funds each year under this Section and an
13 estimate of when the school system will become fully
14 funded under this level of appropriation.

15 (E) Provide an overview of alternative funding
16 structures that would enable the State to become fully
17 funded at an earlier date.

18 (F) The potential to increase efficiency and to
19 find cost savings within the school system to expedite
20 the journey to a fully funded system.

21 (G) The appropriate levels for reenrolling and
22 graduating high-risk high school students who have
23 been previously out of school. These outcomes shall
24 include enrollment, attendance, skill gains, credit
25 gains, graduation or promotion to the next grade
26 level, and the transition to college, training, or

1 employment, with an emphasis on progressively
2 increasing the overall attendance.

3 (H) The evidence-based or research-based practices
4 that are shown to reduce the gaps and disparities
5 experienced by African American students in academic
6 achievement and educational performance, including
7 practices that have been shown to reduce disparities
8 ~~parities~~ in disciplinary rates, drop-out rates,
9 graduation rates, college matriculation rates, and
10 college completion rates.

11 On or before December 31, 2021, the Panel shall report
12 to the State Board, the General Assembly, and the Governor
13 on the findings of its review. This paragraph (7) is
14 inoperative on and after July 1, 2022.

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

20 (Source: P.A. 101-10, eff. 6-5-19; 101-17, eff. 6-14-19;
21 101-643, eff. 6-18-20; 101-654, eff. 3-8-21; 102-33, eff.
22 6-25-21; 102-197, eff. 7-30-21; 102-558, eff. 8-20-21; revised
23 10-12-21.)

24 (105 ILCS 5/21B-20)

25 Sec. 21B-20. Types of licenses. The State Board of

1 Education shall implement a system of educator licensure,
2 whereby individuals employed in school districts who are
3 required to be licensed must have one of the following
4 licenses: (i) a professional educator license; (ii) an
5 educator license with stipulations; (iii) a substitute
6 teaching license; or (iv) until June 30, 2023, a short-term
7 substitute teaching license. References in law regarding
8 individuals certified or certificated or required to be
9 certified or certificated under Article 21 of this Code shall
10 also include individuals licensed or required to be licensed
11 under this Article. The first year of all licenses ends on June
12 30 following one full year of the license being issued.

13 The State Board of Education, in consultation with the
14 State Educator Preparation and Licensure Board, may adopt such
15 rules as may be necessary to govern the requirements for
16 licenses and endorsements under this Section.

17 (1) Professional Educator License. Persons who (i)
18 have successfully completed an approved educator
19 preparation program and are recommended for licensure by
20 the Illinois institution offering the educator preparation
21 program, (ii) have successfully completed the required
22 testing under Section 21B-30 of this Code, (iii) have
23 successfully completed coursework on the psychology of,
24 the identification of, and the methods of instruction for
25 the exceptional child, including without limitation
26 children with learning disabilities, (iv) have

1 successfully completed coursework in methods of reading
2 and reading in the content area, and (v) have met all other
3 criteria established by rule of the State Board of
4 Education shall be issued a Professional Educator License.
5 All Professional Educator Licenses are valid until June 30
6 immediately following 5 years of the license being issued.
7 The Professional Educator License shall be endorsed with
8 specific areas and grade levels in which the individual is
9 eligible to practice. For an early childhood education
10 endorsement, an individual may satisfy the student
11 teaching requirement of his or her early childhood teacher
12 preparation program through placement in a setting with
13 children from birth through grade 2, and the individual
14 may be paid and receive credit while student teaching. The
15 student teaching experience must meet the requirements of
16 and be approved by the individual's early childhood
17 teacher preparation program.

18 Individuals can receive subsequent endorsements on the
19 Professional Educator License. Subsequent endorsements
20 shall require a minimum of 24 semester hours of coursework
21 in the endorsement area and passage of the applicable
22 content area test, unless otherwise specified by rule.

23 (2) Educator License with Stipulations. An Educator
24 License with Stipulations shall be issued an endorsement
25 that limits the license holder to one particular position
26 or does not require completion of an approved educator

1 program or both.

2 An individual with an Educator License with
3 Stipulations must not be employed by a school district or
4 any other entity to replace any presently employed teacher
5 who otherwise would not be replaced for any reason.

6 An Educator License with Stipulations may be issued
7 with the following endorsements:

8 (A) (Blank).

9 (B) Alternative provisional educator. An
10 alternative provisional educator endorsement on an
11 Educator License with Stipulations may be issued to an
12 applicant who, at the time of applying for the
13 endorsement, has done all of the following:

14 (i) Graduated from a regionally accredited
15 college or university with a minimum of a
16 bachelor's degree.

17 (ii) Successfully completed the first phase of
18 the Alternative Educator Licensure Program for
19 Teachers, as described in Section 21B-50 of this
20 Code.

21 (iii) Passed a content area test, as required
22 under Section 21B-30 of this Code.

23 The alternative provisional educator endorsement is
24 valid for 2 years of teaching and may be renewed for a
25 third year by an individual meeting the requirements set
26 forth in Section 21B-50 of this Code.

1 (C) Alternative provisional superintendent. An
2 alternative provisional superintendent endorsement on
3 an Educator License with Stipulations entitles the
4 holder to serve only as a superintendent or assistant
5 superintendent in a school district's central office.
6 This endorsement may only be issued to an applicant
7 who, at the time of applying for the endorsement, has
8 done all of the following:

9 (i) Graduated from a regionally accredited
10 college or university with a minimum of a master's
11 degree in a management field other than education.

12 (ii) Been employed for a period of at least 5
13 years in a management level position in a field
14 other than education.

15 (iii) Successfully completed the first phase
16 of an alternative route to superintendent
17 endorsement program, as provided in Section 21B-55
18 of this Code.

19 (iv) Passed a content area test required under
20 Section 21B-30 of this Code.

21 The endorsement is valid for 2 fiscal years in
22 order to complete one full year of serving as a
23 superintendent or assistant superintendent.

24 (D) (Blank).

25 (E) Career and technical educator. A career and
26 technical educator endorsement on an Educator License

1 with Stipulations may be issued to an applicant who
2 has a minimum of 60 semester hours of coursework from a
3 regionally accredited institution of higher education
4 or an accredited trade and technical institution and
5 has a minimum of 2,000 hours of experience outside of
6 education in each area to be taught.

7 The career and technical educator endorsement on
8 an Educator License with Stipulations is valid until
9 June 30 immediately following 5 years of the
10 endorsement being issued and may be renewed.

11 An individual who holds a valid career and
12 technical educator endorsement on an Educator License
13 with Stipulations but does not hold a bachelor's
14 degree may substitute teach in career and technical
15 education classrooms.

16 (F) (Blank). ~~Part time provisional career and~~
17 ~~technical educator or provisional career and technical~~
18 ~~educator. A part time provisional career and technical~~
19 ~~educator endorsement or a provisional career and~~
20 ~~technical educator endorsement on an Educator License~~
21 ~~with Stipulations may be issued to an applicant who~~
22 ~~has a minimum of 8,000 hours of work experience in the~~
23 ~~skill for which the applicant is seeking the~~
24 ~~endorsement. It is the responsibility of each~~
25 ~~employing school board and regional office of~~
26 ~~education to provide verification, in writing, to the~~

1 ~~State Superintendent of Education at the time the~~
2 ~~application is submitted that no qualified teacher~~
3 ~~holding a Professional Educator License or an Educator~~
4 ~~License with Stipulations with a career and technical~~
5 ~~educator endorsement is available and that actual~~
6 ~~circumstances require such issuance.~~

7 ~~The provisional career and technical educator~~
8 ~~endorsement on an Educator License with Stipulations~~
9 ~~is valid until June 30 immediately following 5 years~~
10 ~~of the endorsement being issued and may be renewed for~~
11 ~~5 years.~~

12 ~~A part-time provisional career and technical~~
13 ~~educator endorsement on an Educator License with~~
14 ~~Stipulations may be issued for teaching no more than 2~~
15 ~~courses of study for grades 6 through 12. The~~
16 ~~part-time provisional career and technical educator~~
17 ~~endorsement on an Educator License with Stipulations~~
18 ~~is valid until June 30 immediately following 5 years~~
19 ~~of the endorsement being issued and may be renewed for~~
20 ~~5 years if the individual makes application for~~
21 ~~renewal.~~

22 ~~An individual who holds a provisional or part-time~~
23 ~~provisional career and technical educator endorsement~~
24 ~~on an Educator License with Stipulations but does not~~
25 ~~hold a bachelor's degree may substitute teach in~~
26 ~~career and technical education classrooms.~~

1 (G) Transitional bilingual educator. A
2 transitional bilingual educator endorsement on an
3 Educator License with Stipulations may be issued for
4 the purpose of providing instruction in accordance
5 with Article 14C of this Code to an applicant who
6 provides satisfactory evidence that he or she meets
7 all of the following requirements:

8 (i) Possesses adequate speaking, reading, and
9 writing ability in the language other than English
10 in which transitional bilingual education is
11 offered.

12 (ii) Has the ability to successfully
13 communicate in English.

14 (iii) Either possessed, within 5 years
15 previous to his or her applying for a transitional
16 bilingual educator endorsement, a valid and
17 comparable teaching certificate or comparable
18 authorization issued by a foreign country or holds
19 a degree from an institution of higher learning in
20 a foreign country that the State Educator
21 Preparation and Licensure Board determines to be
22 the equivalent of a bachelor's degree from a
23 regionally accredited institution of higher
24 learning in the United States.

25 A transitional bilingual educator endorsement
26 shall be valid for prekindergarten through grade 12,

1 is valid until June 30 immediately following 5 years
2 of the endorsement being issued, and shall not be
3 renewed.

4 Persons holding a transitional bilingual educator
5 endorsement shall not be employed to replace any
6 presently employed teacher who otherwise would not be
7 replaced for any reason.

8 (H) Language endorsement. In an effort to
9 alleviate the shortage of teachers speaking a language
10 other than English in the public schools, an
11 individual who holds an Educator License with
12 Stipulations may also apply for a language
13 endorsement, provided that the applicant provides
14 satisfactory evidence that he or she meets all of the
15 following requirements:

16 (i) Holds a transitional bilingual
17 endorsement.

18 (ii) Has demonstrated proficiency in the
19 language for which the endorsement is to be issued
20 by passing the applicable language content test
21 required by the State Board of Education.

22 (iii) Holds a bachelor's degree or higher from
23 a regionally accredited institution of higher
24 education or, for individuals educated in a
25 country other than the United States, holds a
26 degree from an institution of higher learning in a

1 foreign country that the State Educator
2 Preparation and Licensure Board determines to be
3 the equivalent of a bachelor's degree from a
4 regionally accredited institution of higher
5 learning in the United States.

6 (iv) (Blank).

7 A language endorsement on an Educator License with
8 Stipulations is valid for prekindergarten through
9 grade 12 for the same validity period as the
10 individual's transitional bilingual educator
11 endorsement on the Educator License with Stipulations
12 and shall not be renewed.

13 (I) Visiting international educator. A visiting
14 international educator endorsement on an Educator
15 License with Stipulations may be issued to an
16 individual who is being recruited by a particular
17 school district that conducts formal recruitment
18 programs outside of the United States to secure the
19 services of qualified teachers and who meets all of
20 the following requirements:

21 (i) Holds the equivalent of a minimum of a
22 bachelor's degree issued in the United States.

23 (ii) Has been prepared as a teacher at the
24 grade level for which he or she will be employed.

25 (iii) Has adequate content knowledge in the
26 subject to be taught.

1 (iv) Has an adequate command of the English
2 language.

3 A holder of a visiting international educator
4 endorsement on an Educator License with Stipulations
5 shall be permitted to teach in bilingual education
6 programs in the language that was the medium of
7 instruction in his or her teacher preparation program,
8 provided that he or she passes the English Language
9 Proficiency Examination or another test of writing
10 skills in English identified by the State Board of
11 Education, in consultation with the State Educator
12 Preparation and Licensure Board.

13 A visiting international educator endorsement on
14 an Educator License with Stipulations is valid for 5
15 years and shall not be renewed.

16 (J) Paraprofessional educator. A paraprofessional
17 educator endorsement on an Educator License with
18 Stipulations may be issued to an applicant who holds a
19 high school diploma or its recognized equivalent and
20 either holds an associate's degree or a minimum of 60
21 semester hours of credit from a regionally accredited
22 institution of higher education or has passed a
23 paraprofessional competency test under subsection
24 (c-5) of Section 21B-30. The paraprofessional educator
25 endorsement is valid until June 30 immediately
26 following 5 years of the endorsement being issued and

1 may be renewed through application and payment of the
2 appropriate fee, as required under Section 21B-40 of
3 this Code. An individual who holds only a
4 paraprofessional educator endorsement is not subject
5 to additional requirements in order to renew the
6 endorsement.

7 (K) Chief school business official. A chief school
8 business official endorsement on an Educator License
9 with Stipulations may be issued to an applicant who
10 qualifies by having a master's degree or higher, 2
11 years of full-time administrative experience in school
12 business management or 2 years of university-approved
13 practical experience, and a minimum of 24 semester
14 hours of graduate credit in a program approved by the
15 State Board of Education for the preparation of school
16 business administrators and by passage of the
17 applicable State tests, including an applicable
18 content area test.

19 The chief school business official endorsement may
20 also be affixed to the Educator License with
21 Stipulations of any holder who qualifies by having a
22 master's degree in business administration, finance,
23 accounting, or public administration and who completes
24 an additional 6 semester hours of internship in school
25 business management from a regionally accredited
26 institution of higher education and passes the

1 applicable State tests, including an applicable
2 content area test. This endorsement shall be required
3 for any individual employed as a chief school business
4 official.

5 The chief school business official endorsement on
6 an Educator License with Stipulations is valid until
7 June 30 immediately following 5 years of the
8 endorsement being issued and may be renewed if the
9 license holder completes renewal requirements as
10 required for individuals who hold a Professional
11 Educator License endorsed for chief school business
12 official under Section 21B-45 of this Code and such
13 rules as may be adopted by the State Board of
14 Education.

15 The State Board of Education shall adopt any rules
16 necessary to implement Public Act 100-288.

17 (L) Provisional in-state educator. A provisional
18 in-state educator endorsement on an Educator License
19 with Stipulations may be issued to a candidate who has
20 completed an Illinois-approved educator preparation
21 program at an Illinois institution of higher education
22 and who has not successfully completed an
23 evidence-based assessment of teacher effectiveness but
24 who meets all of the following requirements:

25 (i) Holds at least a bachelor's degree.

26 (ii) Has completed an approved educator

1 preparation program at an Illinois institution.

2 (iii) Has passed an applicable content area
3 test, as required by Section 21B-30 of this Code.

4 (iv) Has attempted an evidence-based
5 assessment of teacher effectiveness and received a
6 minimum score on that assessment, as established
7 by the State Board of Education in consultation
8 with the State Educator Preparation and Licensure
9 Board.

10 A provisional in-state educator endorsement on an
11 Educator License with Stipulations is valid for one
12 full fiscal year after the date of issuance and may not
13 be renewed.

14 (M) (Blank).

15 (N) Specialized services. A specialized services
16 endorsement on an Educator License with Stipulations
17 may be issued as defined and specified by rule.

18 (3) Substitute Teaching License. A Substitute Teaching
19 License may be issued to qualified applicants for
20 substitute teaching in all grades of the public schools,
21 prekindergarten through grade 12. Substitute Teaching
22 Licenses are not eligible for endorsements. Applicants for
23 a Substitute Teaching License must hold a bachelor's
24 degree or higher from a regionally accredited institution
25 of higher education.

26 Substitute Teaching Licenses are valid for 5 years.

1 Substitute Teaching Licenses are valid for substitute
2 teaching in every county of this State. If an individual
3 has had his or her Professional Educator License or
4 Educator License with Stipulations suspended or revoked,
5 then that individual is not eligible to obtain a
6 Substitute Teaching License.

7 A substitute teacher may only teach in the place of a
8 licensed teacher who is under contract with the employing
9 board. If, however, there is no licensed teacher under
10 contract because of an emergency situation, then a
11 district may employ a substitute teacher for no longer
12 than 30 calendar days per each vacant position in the
13 district if the district notifies the appropriate regional
14 office of education within 5 business days after the
15 employment of the substitute teacher in the emergency
16 situation. An emergency situation is one in which an
17 unforeseen vacancy has occurred and (i) a teacher is
18 unable to fulfill his or her contractual duties or (ii)
19 teacher capacity needs of the district exceed previous
20 indications, and the district is actively engaged in
21 advertising to hire a fully licensed teacher for the
22 vacant position.

23 There is no limit on the number of days that a
24 substitute teacher may teach in a single school district,
25 provided that no substitute teacher may teach for longer
26 than 90 school days for any one licensed teacher under

1 contract in the same school year. A substitute teacher who
2 holds a Professional Educator License or Educator License
3 with Stipulations shall not teach for more than 120 school
4 days for any one licensed teacher under contract in the
5 same school year. The limitations in this paragraph (3) on
6 the number of days a substitute teacher may be employed do
7 not apply to any school district operating under Article
8 34 of this Code.

9 A school district may not require an individual who
10 holds a valid Professional Educator License or Educator
11 License with Stipulations to seek or hold a Substitute
12 Teaching License to teach as a substitute teacher.

13 (4) Short-Term Substitute Teaching License. Beginning
14 on July 1, 2018 and until June 30, 2023, the State Board of
15 Education may issue a Short-Term Substitute Teaching
16 License. A Short-Term Substitute Teaching License may be
17 issued to a qualified applicant for substitute teaching in
18 all grades of the public schools, prekindergarten through
19 grade 12. Short-Term Substitute Teaching Licenses are not
20 eligible for endorsements. Applicants for a Short-Term
21 Substitute Teaching License must hold an associate's
22 degree or have completed at least 60 credit hours from a
23 regionally accredited institution of higher education.

24 Short-Term Substitute Teaching Licenses are valid for
25 substitute teaching in every county of this State. If an
26 individual has had his or her Professional Educator

1 License or Educator License with Stipulations suspended or
2 revoked, then that individual is not eligible to obtain a
3 Short-Term Substitute Teaching License.

4 The provisions of Sections 10-21.9 and 34-18.5 of this
5 Code apply to short-term substitute teachers.

6 An individual holding a Short-Term Substitute Teaching
7 License may teach no more than 5 consecutive days per
8 licensed teacher who is under contract. For teacher
9 absences lasting 6 or more days per licensed teacher who
10 is under contract, a school district may not hire an
11 individual holding a Short-Term Substitute Teaching
12 License. An individual holding a Short-Term Substitute
13 Teaching License must complete the training program under
14 Section 10-20.67 or 34-18.60 of this Code to be eligible
15 to teach at a public school. This paragraph (4) is
16 inoperative on and after July 1, 2023.

17 (Source: P.A. 100-8, eff. 7-1-17; 100-13, eff. 7-1-17;
18 100-288, eff. 8-24-17; 100-596, eff. 7-1-18; 100-821, eff.
19 9-3-18; 100-863, eff. 8-14-18; 101-81, eff. 7-12-19; 101-220,
20 eff. 8-7-19; 101-594, eff. 12-5-19; 101-643, eff. 6-18-20.)

21 (105 ILCS 5/22-81)

22 Sec. 22-81. Heroin and opioid prevention ~~pilot~~ program.
23 ~~The~~ ~~By January 1, 2017, the~~ State Board of Education and the
24 Department of Human Services shall develop and establish a
25 ~~3-year~~ heroin and opioid drug prevention ~~pilot~~ program that

1 offers educational materials and instruction on heroin and
2 opioid abuse to all school districts in the State for use at
3 their respective public elementary and secondary schools. A
4 school district's participation in the ~~pilot~~ program shall be
5 voluntary. Subject to appropriation, the Department of Human
6 Services shall reimburse a school district that decides to
7 participate in the ~~pilot~~ program for any costs it incurs in
8 connection with its participation in the ~~pilot~~ program. Each
9 school district that participates in the ~~pilot~~ program shall
10 have the discretion to determine which grade levels the school
11 district will instruct under the program.

12 The ~~pilot~~ program must use effective, research-proven,
13 interactive teaching methods and technologies, and must
14 provide students, parents, and school staff with scientific,
15 social, and emotional learning content to help them understand
16 the risk of drug use. Such learning content must specifically
17 target the dangers of prescription pain medication and heroin
18 abuse. The Department may contract with a health education
19 organization to fulfill the requirements of the ~~pilot~~ program.

20 ~~The State Board of Education, the Department of Human~~
21 ~~Services, and any contracted organization shall submit an~~
22 ~~annual report to the General Assembly that includes: (i) a~~
23 ~~list of school districts participating in the pilot program;~~
24 ~~(ii) the grade levels each school district instructs under the~~
25 ~~pilot program; and (iii) any findings regarding the~~
26 ~~effectiveness of the pilot program.~~

1 (Source: P.A. 99-480, eff. 9-9-15; 99-642, eff. 7-28-16.)

2 (105 ILCS 5/27-23.12)

3 Sec. 27-23.12. Emotional Intelligence and Social and
4 Emotional Learning Task Force. The Emotional Intelligence and
5 Social and Emotional Learning Task Force is created to develop
6 ~~curriculum~~ and assessment guidelines and best practices on
7 emotional intelligence and social and emotional learning,
8 including strategies and instruction to address the needs of
9 students with anger management issues. The Task Force shall
10 consist of the State Superintendent of Education or his or her
11 designee and all of the following members, appointed by the
12 State Superintendent:

13 (1) A representative of a school district organized
14 under Article 34 of this Code.

15 (2) A representative of a statewide organization
16 representing school boards.

17 (3) A representative of a statewide organization
18 representing individuals holding professional educator
19 licenses with school support personnel endorsements under
20 Article 21B of this Code, including school social workers,
21 school psychologists, and school nurses.

22 (4) A representative of a statewide organization
23 representing children's mental health experts.

24 (5) A representative of a statewide organization
25 representing school principals.

1 (6) An employee of a school under Article 13A of this
2 Code.

3 (7) A school psychologist employed by a school
4 district in Cook County.

5 (8) Representatives of other appropriate State
6 agencies, as determined by the State Superintendent.

7 Members appointed by the State Superintendent shall serve
8 without compensation but shall be reimbursed for their
9 reasonable and necessary expenses from funds appropriated to
10 the State Board of Education for that purpose, including
11 travel, subject to the rules of the appropriate travel control
12 board. The Task Force shall meet at the call of the State
13 Superintendent. The State Board of Education shall provide
14 administrative and other support to the Task Force.

15 The Task Force shall develop age-appropriate, emotional
16 intelligence and social and emotional learning ~~curriculum and~~
17 assessment guidelines and best practices for elementary
18 schools and high schools. The guidelines shall, at a minimum,
19 include teaching how to recognize, direct, and positively
20 express emotions. The Task Force must also make
21 recommendations on the funding of appropriate services and the
22 availability of sources of funding, including, but not limited
23 to, federal funding, to address social and emotional learning.
24 The Task Force shall complete the guidelines and
25 recommendations on or before March 1, 2020. Upon completion of
26 the guidelines and recommendations the Task Force is

1 dissolved.

2 (Source: P.A. 100-1139, eff. 11-28-18; 101-81, eff. 7-12-19;
3 101-498, eff. 6-1-20.)

4 (105 ILCS 5/34-1.1) (from Ch. 122, par. 34-1.1)

5 Sec. 34-1.1. Definitions. As used in this Article:

6 "Academic Accountability Council" means the Chicago
7 Schools Academic Accountability Council created under Section
8 34-3.4.

9 "Local School Council" means a local school council
10 established under Section 34-2.1.

11 "School" and "attendance center" are used interchangeably
12 to mean any attendance center operated pursuant to this
13 Article and under the direction of one principal.

14 "Secondary Attendance Center" means a school which has
15 students enrolled in grades 9 through 12 (although it may also
16 have students enrolled in grades below grade 9).

17 "Local Attendance Area School" means a school which has a
18 local attendance area established by the board.

19 "Multi-area school" means a school other than a local
20 attendance area school.

21 "Contract school" means an attendance center managed and
22 operated by a for-profit or not-for-profit private entity
23 retained by the board to provide instructional and other
24 services to a majority of the pupils enrolled in the
25 attendance center.

1 "Contract turnaround school" means an experimental
2 contract school created by the board to implement alternative
3 governance in an attendance center subject to restructuring or
4 similar intervention.

5 "Parent" means a parent or legal guardian of an enrolled
6 student of an attendance center.

7 "Community resident" means a person, 18 years of age or
8 older, residing within an attendance area served by a school,
9 excluding any person who is a parent of a student enrolled in
10 that school; provided that with respect to any multi-area
11 school, community resident means any person, 18 years of age
12 or older, residing within the voting district established for
13 that school pursuant to Section 34-2.1c, excluding any person
14 who is a parent of a student enrolled in that school.

15 "School staff" means all licensed and nonlicensed
16 ~~certificated and uncertificated~~ school personnel, including
17 all teaching and administrative staff (other than the
18 principal) and including all custodial, food service and other
19 civil service employees, who are employed at and assigned to
20 perform the majority of their employment duties at one
21 attendance center served by the same local school council.

22 "Regular meetings" means the meeting dates established by
23 the local school council at its annual organizational meeting.
24 (Source: P.A. 100-1046, eff. 8-23-18.)

25 (105 ILCS 5/34-2.3) (from Ch. 122, par. 34-2.3)

1 Sec. 34-2.3. Local school councils; powers and duties.
2 Each local school council shall have and exercise, consistent
3 with the provisions of this Article and the powers and duties
4 of the board of education, the following powers and duties:

5 1. (A) To annually evaluate the performance of the
6 principal of the attendance center using a Board approved
7 principal evaluation form, which shall include the evaluation
8 of (i) student academic improvement, as defined by the school
9 improvement plan, (ii) student absenteeism rates at the
10 school, (iii) instructional leadership, (iv) the effective
11 implementation of programs, policies, or strategies to improve
12 student academic achievement, (v) school management, and (vi)
13 any other factors deemed relevant by the local school council,
14 including, without limitation, the principal's communication
15 skills and ability to create and maintain a student-centered
16 learning environment, to develop opportunities for
17 professional development, and to encourage parental
18 involvement and community partnerships to achieve school
19 improvement;

20 (B) to determine in the manner provided by subsection (c)
21 of Section 34-2.2 and subdivision 1.5 of this Section whether
22 the performance contract of the principal shall be renewed;
23 and

24 (C) to directly select, in the manner provided by
25 subsection (c) of Section 34-2.2, a new principal (including a
26 new principal to fill a vacancy) -- without submitting any

1 list of candidates for that position to the general
2 superintendent as provided in paragraph 2 of this Section --
3 to serve under a 4 year performance contract; provided that
4 (i) the determination of whether the principal's performance
5 contract is to be renewed, based upon the evaluation required
6 by subdivision 1.5 of this Section, shall be made no later than
7 150 days prior to the expiration of the current
8 performance-based contract of the principal, (ii) in cases
9 where such performance contract is not renewed -- a direct
10 selection of a new principal -- to serve under a 4 year
11 performance contract shall be made by the local school council
12 no later than 45 days prior to the expiration of the current
13 performance contract of the principal, and (iii) a selection
14 by the local school council of a new principal to fill a
15 vacancy under a 4 year performance contract shall be made
16 within 90 days after the date such vacancy occurs. A Council
17 shall be required, if requested by the principal, to provide
18 in writing the reasons for the council's not renewing the
19 principal's contract.

20 1.5. The local school council's determination of whether
21 to renew the principal's contract shall be based on an
22 evaluation to assess the educational and administrative
23 progress made at the school during the principal's current
24 performance-based contract. The local school council shall
25 base its evaluation on (i) student academic improvement, as
26 defined by the school improvement plan, (ii) student

1 absenteeism rates at the school, (iii) instructional
2 leadership, (iv) the effective implementation of programs,
3 policies, or strategies to improve student academic
4 achievement, (v) school management, and (vi) any other factors
5 deemed relevant by the local school council, including,
6 without limitation, the principal's communication skills and
7 ability to create and maintain a student-centered learning
8 environment, to develop opportunities for professional
9 development, and to encourage parental involvement and
10 community partnerships to achieve school improvement. If a
11 local school council fails to renew the performance contract
12 of a principal rated by the general superintendent, or his or
13 her designee, in the previous years' evaluations as meeting or
14 exceeding expectations, the principal, within 15 days after
15 the local school council's decision not to renew the contract,
16 may request a review of the local school council's principal
17 non-retention decision by a hearing officer appointed by the
18 American Arbitration Association. A local school council
19 member or members or the general superintendent may support
20 the principal's request for review. During the period of the
21 hearing officer's review of the local school council's
22 decision on whether or not to retain the principal, the local
23 school council shall maintain all authority to search for and
24 contract with a person to serve as interim or acting
25 principal, or as the principal of the attendance center under
26 a 4-year performance contract, provided that any performance

1 contract entered into by the local school council shall be
2 voidable or modified in accordance with the decision of the
3 hearing officer. The principal may request review only once
4 while at that attendance center. If a local school council
5 renews the contract of a principal who failed to obtain a
6 rating of "meets" or "exceeds expectations" in the general
7 superintendent's evaluation for the previous year, the general
8 superintendent, within 15 days after the local school
9 council's decision to renew the contract, may request a review
10 of the local school council's principal retention decision by
11 a hearing officer appointed by the American Arbitration
12 Association. The general superintendent may request a review
13 only once for that principal at that attendance center. All
14 requests to review the retention or non-retention of a
15 principal shall be submitted to the general superintendent,
16 who shall, in turn, forward such requests, within 14 days of
17 receipt, to the American Arbitration Association. The general
18 superintendent shall send a contemporaneous copy of the
19 request that was forwarded to the American Arbitration
20 Association to the principal and to each local school council
21 member and shall inform the local school council of its rights
22 and responsibilities under the arbitration process, including
23 the local school council's right to representation and the
24 manner and process by which the Board shall pay the costs of
25 the council's representation. If the local school council
26 retains the principal and the general superintendent requests

1 a review of the retention decision, the local school council
2 and the general superintendent shall be considered parties to
3 the arbitration, a hearing officer shall be chosen between
4 those 2 parties pursuant to procedures promulgated by the
5 State Board of Education, and the principal may retain counsel
6 and participate in the arbitration. If the local school
7 council does not retain the principal and the principal
8 requests a review of the retention decision, the local school
9 council and the principal shall be considered parties to the
10 arbitration and a hearing officer shall be chosen between
11 those 2 parties pursuant to procedures promulgated by the
12 State Board of Education. The hearing shall begin (i) within
13 45 days after the initial request for review is submitted by
14 the principal to the general superintendent or (ii) if the
15 initial request for review is made by the general
16 superintendent, within 45 days after that request is mailed to
17 the American Arbitration Association. The hearing officer
18 shall render a decision within 45 days after the hearing
19 begins and within 90 days after the initial request for
20 review. The Board shall contract with the American Arbitration
21 Association for all of the hearing officer's reasonable and
22 necessary costs. In addition, the Board shall pay any
23 reasonable costs incurred by a local school council for
24 representation before a hearing officer.

25 1.10. The hearing officer shall conduct a hearing, which
26 shall include (i) a review of the principal's performance,

1 evaluations, and other evidence of the principal's service at
2 the school, (ii) reasons provided by the local school council
3 for its decision, and (iii) documentation evidencing views of
4 interested persons, including, without limitation, students,
5 parents, local school council members, school faculty and
6 staff, the principal, the general superintendent or his or her
7 designee, and members of the community. The burden of proof in
8 establishing that the local school council's decision was
9 arbitrary and capricious shall be on the party requesting the
10 arbitration, and this party shall sustain the burden by a
11 preponderance of the evidence. The hearing officer shall set
12 the local school council decision aside if that decision, in
13 light of the record developed at the hearing, is arbitrary and
14 capricious. The decision of the hearing officer may not be
15 appealed to the Board or the State Board of Education. If the
16 hearing officer decides that the principal shall be retained,
17 the retention period shall not exceed 2 years.

18 2. In the event (i) the local school council does not renew
19 the performance contract of the principal, or the principal
20 fails to receive a satisfactory rating as provided in
21 subsection (h) of Section 34-8.3, or the principal is removed
22 for cause during the term of his or her performance contract in
23 the manner provided by Section 34-85, or a vacancy in the
24 position of principal otherwise occurs prior to the expiration
25 of the term of a principal's performance contract, and (ii)
26 the local school council fails to directly select a new

1 principal to serve under a 4 year performance contract, the
2 local school council in such event shall submit to the general
3 superintendent a list of 3 candidates -- listed in the local
4 school council's order of preference -- for the position of
5 principal, one of which shall be selected by the general
6 superintendent to serve as principal of the attendance center.
7 If the general superintendent fails or refuses to select one
8 of the candidates on the list to serve as principal within 30
9 days after being furnished with the candidate list, the
10 general superintendent shall select and place a principal on
11 an interim basis (i) for a period not to exceed one year or
12 (ii) until the local school council selects a new principal
13 with 7 affirmative votes as provided in subsection (c) of
14 Section 34-2.2, whichever occurs first. If the local school
15 council fails or refuses to select and appoint a new
16 principal, as specified by subsection (c) of Section 34-2.2,
17 the general superintendent may select and appoint a new
18 principal on an interim basis for an additional year or until a
19 new contract principal is selected by the local school
20 council. There shall be no discrimination on the basis of
21 race, sex, creed, color or disability unrelated to ability to
22 perform in connection with the submission of candidates for,
23 and the selection of a candidate to serve as principal of an
24 attendance center. No person shall be directly selected,
25 listed as a candidate for, or selected to serve as principal of
26 an attendance center (i) if such person has been removed for

1 cause from employment by the Board or (ii) if such person does
2 not hold a valid Professional Educator License ~~administrative~~
3 ~~certificate~~ issued ~~or exchanged~~ under Article 21B ~~21~~ and
4 endorsed as required by that Article for the position of
5 principal. A principal whose performance contract is not
6 renewed as provided under subsection (c) of Section 34-2.2 may
7 nevertheless, if otherwise qualified and licensed ~~certified~~ as
8 herein provided and if he or she has received a satisfactory
9 rating as provided in subsection (h) of Section 34-8.3, be
10 included by a local school council as one of the 3 candidates
11 listed in order of preference on any candidate list from which
12 one person is to be selected to serve as principal of the
13 attendance center under a new performance contract. The
14 initial candidate list required to be submitted by a local
15 school council to the general superintendent in cases where
16 the local school council does not renew the performance
17 contract of its principal and does not directly select a new
18 principal to serve under a 4 year performance contract shall
19 be submitted not later than 30 days prior to the expiration of
20 the current performance contract. In cases where the local
21 school council fails or refuses to submit the candidate list
22 to the general superintendent no later than 30 days prior to
23 the expiration of the incumbent principal's contract, the
24 general superintendent may appoint a principal on an interim
25 basis for a period not to exceed one year, during which time
26 the local school council shall be able to select a new

1 principal with 7 affirmative votes as provided in subsection
2 (c) of Section 34-2.2. In cases where a principal is removed
3 for cause or a vacancy otherwise occurs in the position of
4 principal and the vacancy is not filled by direct selection by
5 the local school council, the candidate list shall be
6 submitted by the local school council to the general
7 superintendent within 90 days after the date such removal or
8 vacancy occurs. In cases where the local school council fails
9 or refuses to submit the candidate list to the general
10 superintendent within 90 days after the date of the vacancy,
11 the general superintendent may appoint a principal on an
12 interim basis for a period of one year, during which time the
13 local school council shall be able to select a new principal
14 with 7 affirmative votes as provided in subsection (c) of
15 Section 34-2.2.

16 2.5. Whenever a vacancy in the office of a principal
17 occurs for any reason, the vacancy shall be filled in the
18 manner provided by this Section by the selection of a new
19 principal to serve under a 4 year performance contract.

20 3. To establish additional criteria to be included as part
21 of the performance contract of its principal, provided that
22 such additional criteria shall not discriminate on the basis
23 of race, sex, creed, color or disability unrelated to ability
24 to perform, and shall not be inconsistent with the uniform 4
25 year performance contract for principals developed by the
26 board as provided in Section 34-8.1 of the School Code or with

1 other provisions of this Article governing the authority and
2 responsibility of principals.

3 4. To approve the expenditure plan prepared by the
4 principal with respect to all funds allocated and distributed
5 to the attendance center by the Board. The expenditure plan
6 shall be administered by the principal. Notwithstanding any
7 other provision of this Act or any other law, any expenditure
8 plan approved and administered under this Section 34-2.3 shall
9 be consistent with and subject to the terms of any contract for
10 services with a third party entered into by the Chicago School
11 Reform Board of Trustees or the board under this Act.

12 Via a supermajority vote of 8 members of a local school
13 council enrolling students through the 8th grade or 9 members
14 of a local school council at a secondary attendance center or
15 an attendance center enrolling students in grades 7 through
16 12, the Council may transfer allocations pursuant to Section
17 34-2.3 within funds; provided that such a transfer is
18 consistent with applicable law and collective bargaining
19 agreements.

20 Beginning in fiscal year 1991 and in each fiscal year
21 thereafter, the Board may reserve up to 1% of its total fiscal
22 year budget for distribution on a prioritized basis to schools
23 throughout the school system in order to assure adequate
24 programs to meet the needs of special student populations as
25 determined by the Board. This distribution shall take into
26 account the needs catalogued in the Systemwide Plan and the

1 various local school improvement plans of the local school
2 councils. Information about these centrally funded programs
3 shall be distributed to the local school councils so that
4 their subsequent planning and programming will account for
5 these provisions.

6 Beginning in fiscal year 1991 and in each fiscal year
7 thereafter, from other amounts available in the applicable
8 fiscal year budget, the board shall allocate a lump sum amount
9 to each local school based upon such formula as the board shall
10 determine taking into account the special needs of the student
11 body. The local school principal shall develop an expenditure
12 plan in consultation with the local school council, the
13 professional personnel leadership committee and with all other
14 school personnel, which reflects the priorities and activities
15 as described in the school's local school improvement plan and
16 is consistent with applicable law and collective bargaining
17 agreements and with board policies and standards; however, the
18 local school council shall have the right to request waivers
19 of board policy from the board of education and waivers of
20 employee collective bargaining agreements pursuant to Section
21 34-8.1a.

22 The expenditure plan developed by the principal with
23 respect to amounts available from the fund for prioritized
24 special needs programs and the allocated lump sum amount must
25 be approved by the local school council.

26 The lump sum allocation shall take into account the

1 following principles:

2 a. Teachers: Each school shall be allocated funds
3 equal to the amount appropriated in the previous school
4 year for compensation for teachers (regular grades
5 kindergarten through 12th grade) plus whatever increases
6 in compensation have been negotiated contractually or
7 through longevity as provided in the negotiated agreement.
8 Adjustments shall be made due to layoff or reduction in
9 force, lack of funds or work, change in subject
10 requirements, enrollment changes, or contracts with third
11 parties for the performance of services or to rectify any
12 inconsistencies with system-wide allocation formulas or
13 for other legitimate reasons.

14 b. Other personnel: Funds for other teacher licensed
15 and nonlicensed ~~certificated and uncertificated~~ personnel
16 paid through non-categorical funds shall be provided
17 according to system-wide formulas based on student
18 enrollment and the special needs of the school as
19 determined by the Board.

20 c. Non-compensation items: Appropriations for all
21 non-compensation items shall be based on system-wide
22 formulas based on student enrollment and on the special
23 needs of the school or factors related to the physical
24 plant, including but not limited to textbooks, electronic
25 textbooks and the technological equipment necessary to
26 gain access to and use electronic textbooks, supplies,

1 electricity, equipment, and routine maintenance.

2 d. Funds for categorical programs: Schools shall
3 receive personnel and funds based on, and shall use such
4 personnel and funds in accordance with State and Federal
5 requirements applicable to each categorical program
6 provided to meet the special needs of the student body
7 (including but not limited to, Federal Chapter I,
8 Bilingual, and Special Education).

9 d.1. Funds for State Title I: Each school shall
10 receive funds based on State and Board requirements
11 applicable to each State Title I pupil provided to meet
12 the special needs of the student body. Each school shall
13 receive the proportion of funds as provided in Section
14 18-8 or 18-8.15 to which they are entitled. These funds
15 shall be spent only with the budgetary approval of the
16 Local School Council as provided in Section 34-2.3.

17 e. The Local School Council shall have the right to
18 request the principal to close positions and open new ones
19 consistent with the provisions of the local school
20 improvement plan provided that these decisions are
21 consistent with applicable law and collective bargaining
22 agreements. If a position is closed, pursuant to this
23 paragraph, the local school shall have for its use the
24 system-wide average compensation for the closed position.

25 f. Operating within existing laws and collective
26 bargaining agreements, the local school council shall have

1 the right to direct the principal to shift expenditures
2 within funds.

3 g. (Blank).

4 Any funds unexpended at the end of the fiscal year shall be
5 available to the board of education for use as part of its
6 budget for the following fiscal year.

7 5. To make recommendations to the principal concerning
8 textbook selection and concerning curriculum developed
9 pursuant to the school improvement plan which is consistent
10 with systemwide curriculum objectives in accordance with
11 Sections 34-8 and 34-18 of the School Code and in conformity
12 with the collective bargaining agreement.

13 6. To advise the principal concerning the attendance and
14 disciplinary policies for the attendance center, subject to
15 the provisions of this Article and Article 26, and consistent
16 with the uniform system of discipline established by the board
17 pursuant to Section 34-19.

18 7. To approve a school improvement plan developed as
19 provided in Section 34-2.4. The process and schedule for plan
20 development shall be publicized to the entire school
21 community, and the community shall be afforded the opportunity
22 to make recommendations concerning the plan. At least twice a
23 year the principal and local school council shall report
24 publicly on progress and problems with respect to plan
25 implementation.

26 8. To evaluate the allocation of teaching resources and

1 other licensed and nonlicensed ~~certificated and uncertificated~~
2 staff to the attendance center to determine whether such
3 allocation is consistent with and in furtherance of
4 instructional objectives and school programs reflective of the
5 school improvement plan adopted for the attendance center; and
6 to make recommendations to the board, the general
7 superintendent and the principal concerning any reallocation
8 of teaching resources or other staff whenever the council
9 determines that any such reallocation is appropriate because
10 the qualifications of any existing staff at the attendance
11 center do not adequately match or support instructional
12 objectives or school programs which reflect the school
13 improvement plan.

14 9. To make recommendations to the principal and the
15 general superintendent concerning their respective
16 appointments, after August 31, 1989, and in the manner
17 provided by Section 34-8 and Section 34-8.1, of persons to
18 fill any vacant, additional or newly created positions for
19 teachers at the attendance center or at attendance centers
20 which include the attendance center served by the local school
21 council.

22 10. To request of the Board the manner in which training
23 and assistance shall be provided to the local school council.
24 Pursuant to Board guidelines a local school council is
25 authorized to direct the Board of Education to contract with
26 personnel or not-for-profit organizations not associated with

1 the school district to train or assist council members. If
2 training or assistance is provided by contract with personnel
3 or organizations not associated with the school district, the
4 period of training or assistance shall not exceed 30 hours
5 during a given school year; person shall not be employed on a
6 continuous basis longer than said period and shall not have
7 been employed by the Chicago Board of Education within the
8 preceding six months. Council members shall receive training
9 in at least the following areas:

10 1. school budgets;

11 2. educational theory pertinent to the attendance
12 center's particular needs, including the development of
13 the school improvement plan and the principal's
14 performance contract; and

15 3. personnel selection.

16 Council members shall, to the greatest extent possible,
17 complete such training within 90 days of election.

18 11. In accordance with systemwide guidelines contained in
19 the System-Wide Educational Reform Goals and Objectives Plan,
20 criteria for evaluation of performance shall be established
21 for local school councils and local school council members. If
22 a local school council persists in noncompliance with
23 systemwide requirements, the Board may impose sanctions and
24 take necessary corrective action, consistent with Section
25 34-8.3.

26 12. Each local school council shall comply with the Open

1 Meetings Act and the Freedom of Information Act. Each local
2 school council shall issue and transmit to its school
3 community a detailed annual report accounting for its
4 activities programmatically and financially. Each local school
5 council shall convene at least 2 well-publicized meetings
6 annually with its entire school community. These meetings
7 shall include presentation of the proposed local school
8 improvement plan, of the proposed school expenditure plan, and
9 the annual report, and shall provide an opportunity for public
10 comment.

11 13. Each local school council is encouraged to involve
12 additional non-voting members of the school community in
13 facilitating the council's exercise of its responsibilities.

14 14. The local school council may adopt a school uniform or
15 dress code policy that governs the attendance center and that
16 is necessary to maintain the orderly process of a school
17 function or prevent endangerment of student health or safety,
18 consistent with the policies and rules of the Board of
19 Education. A school uniform or dress code policy adopted by a
20 local school council: (i) shall not be applied in such manner
21 as to discipline or deny attendance to a transfer student or
22 any other student for noncompliance with that policy during
23 such period of time as is reasonably necessary to enable the
24 student to acquire a school uniform or otherwise comply with
25 the dress code policy that is in effect at the attendance
26 center into which the student's enrollment is transferred;

1 (ii) shall include criteria and procedures under which the
2 local school council will accommodate the needs of or
3 otherwise provide appropriate resources to assist a student
4 from an indigent family in complying with an applicable school
5 uniform or dress code policy; and (iii) shall not include or
6 apply to hairstyles, including hairstyles historically
7 associated with race, ethnicity, or hair texture, including,
8 but not limited to, protective hairstyles such as braids,
9 locks, and twists. A student whose parents or legal guardians
10 object on religious grounds to the student's compliance with
11 an applicable school uniform or dress code policy shall not be
12 required to comply with that policy if the student's parents
13 or legal guardians present to the local school council a
14 signed statement of objection detailing the grounds for the
15 objection. If a local school council does not comply with the
16 requirements and prohibitions set forth in this paragraph 14,
17 the attendance center is subject to the penalty imposed
18 pursuant to subsection (a) of Section 2-3.25.

19 15. All decisions made and actions taken by the local
20 school council in the exercise of its powers and duties shall
21 comply with State and federal laws, all applicable collective
22 bargaining agreements, court orders and rules properly
23 promulgated by the Board.

24 15a. To grant, in accordance with board rules and
25 policies, the use of assembly halls and classrooms when not
26 otherwise needed, including lighting, heat, and attendants,

1 for public lectures, concerts, and other educational and
2 social activities.

3 15b. To approve, in accordance with board rules and
4 policies, receipts and expenditures for all internal accounts
5 of the attendance center, and to approve all fund-raising
6 activities by nonschool organizations that use the school
7 building.

8 16. (Blank).

9 17. Names and addresses of local school council members
10 shall be a matter of public record.

11 (Source: P.A. 102-360, eff. 1-1-22; 102-677, eff. 12-3-21.)

12 (105 ILCS 5/34-2.4a) (from Ch. 122, par. 34-2.4a)

13 Sec. 34-2.4a. Professional personnel leadership committee.

14 (a) At each attendance center operated pursuant to this
15 Article, a professional personnel leadership committee
16 consisting of (i) up to 7 members elected each school year who
17 are licensed ~~certified~~ classroom teachers or other licensed
18 ~~certificated~~ personnel, who are employed at the attendance
19 center, and who desire to be members of the committee and (ii)
20 the 2 teacher members of the local school council. The teacher
21 members of the local school council shall serve as co-chairs
22 of the committee, or one teacher member of the local school
23 council chosen by the committee shall serve as chair of the
24 committee. The size of the committee shall be determined by
25 the licensed ~~certified~~ classroom teachers and other licensed

1 ~~certificated~~ personnel at the attendance center, including the
2 principal.

3 (b) The purpose of the committee is to develop and
4 formally present recommendations to the principal and the
5 local school council on all matters of educational program,
6 including but not limited to curriculum, school improvement
7 plan development and implementation, and school budgeting.

8 (c) For the elected committee members, the principal shall
9 convene a publicized meeting of all licensed ~~certified~~
10 classroom teachers and other licensed ~~certificated~~ personnel,
11 at which meeting those licensed ~~certified~~ classroom teachers
12 and other licensed ~~certificated~~ personnel present, excluding
13 the principal, shall elect members to serve on the committee.
14 A staff member eligible to vote may vote for the same number of
15 candidates in the election as the number of members to be
16 elected, but votes shall not be cumulated. Ties shall be
17 determined by lot. Vacancies shall be filled in like manner.

18 (d) All committee meetings shall be held before or after
19 school with no loss of instructional time. Committee members
20 shall receive no compensation for their activities as
21 committee members.

22 (e) In furtherance of its purpose, the committee shall
23 have the authority to gather information from school staff
24 through interviews, on noninstructional time, without the
25 prior approval of the principal, the local school council, the
26 board, the board's chief executive officer, or the chief

1 executive officer's administrative staff.

2 The committee shall meet once a month with the principal
3 to make recommendations to the principal regarding the
4 specific methods and contents of the school's curriculum and
5 to make other educational improvement recommendations approved
6 by the committee. A report from the committee regarding these
7 matters may be an agenda item at each regular meeting of the
8 local school council.

9 The principal shall provide the committee with the
10 opportunity to review and make recommendations regarding the
11 school improvement plan and school budget. The teacher members
12 of the local school council may bring motions concerning the
13 recommendations approved by the committee, which motions shall
14 formally be considered at meetings of the local school
15 council.

16 (Source: P.A. 93-48, eff. 7-1-03.)

17 (105 ILCS 5/34-8.1) (from Ch. 122, par. 34-8.1)

18 Sec. 34-8.1. Principals. Principals shall be employed to
19 supervise the operation of each attendance center. Their
20 powers and duties shall include but not be limited to the
21 authority (i) to direct, supervise, evaluate, and suspend with
22 or without pay or otherwise discipline all teachers, assistant
23 principals, and other employees assigned to the attendance
24 center in accordance with board rules and policies and (ii) to
25 direct all other persons assigned to the attendance center

1 pursuant to a contract with a third party to provide services
2 to the school system. The right to employ, discharge, and
3 layoff shall be vested solely with the board, provided that
4 decisions to discharge or suspend nonlicensed ~~non-certified~~
5 employees, including disciplinary layoffs, and the termination
6 of licensed ~~certified~~ employees from employment pursuant to a
7 layoff or reassignment policy are subject to review under the
8 grievance resolution procedure adopted pursuant to subsection
9 (c) of Section 10 of the Illinois Educational Labor Relations
10 Act. The grievance resolution procedure adopted by the board
11 shall provide for final and binding arbitration, and,
12 notwithstanding any other provision of law to the contrary,
13 the arbitrator's decision may include all make-whole relief,
14 including without limitation reinstatement. The principal
15 shall fill positions by appointment as provided in this
16 Section and may make recommendations to the board regarding
17 the employment, discharge, or layoff of any individual. The
18 authority of the principal shall include the authority to
19 direct the hours during which the attendance center shall be
20 open and available for use provided the use complies with
21 board rules and policies, to determine when and what
22 operations shall be conducted within those hours, and to
23 schedule staff within those hours. Under the direction of, and
24 subject to the authority of the principal, the Engineer In
25 Charge shall be accountable for the safe, economical operation
26 of the plant and grounds and shall also be responsible for

1 orientation, training, and supervising the work of Engineers,
2 Trainees, school maintenance assistants, custodial workers and
3 other plant operation employees under his or her direction.

4 There shall be established by the board a system of
5 semi-annual evaluations conducted by the principal as to
6 performance of the engineer in charge. Nothing in this Section
7 shall prevent the principal from conducting additional
8 evaluations. An overall numerical rating shall be given by the
9 principal based on the evaluation conducted by the principal.
10 An unsatisfactory numerical rating shall result in
11 disciplinary action, which may include, without limitation and
12 in the judgment of the principal, loss of promotion or bidding
13 procedure, reprimand, suspension with or without pay, or
14 recommended dismissal. The board shall establish procedures
15 for conducting the evaluation and reporting the results to the
16 engineer in charge.

17 Under the direction of, and subject to the authority of,
18 the principal, the Food Service Manager is responsible at all
19 times for the proper operation and maintenance of the lunch
20 room to which he is assigned and shall also be responsible for
21 the orientation, training, and supervising the work of cooks,
22 bakers, porters, and lunchroom attendants under his or her
23 direction.

24 There shall be established by the Board a system of
25 semi-annual evaluations conducted by the principal as to the
26 performance of the food service manager. Nothing in this

1 Section shall prevent the principal from conducting additional
2 evaluations. An overall numerical rating shall be given by the
3 principal based on the evaluation conducted by the principal.
4 An unsatisfactory numerical rating shall result in
5 disciplinary action which may include, without limitation and
6 in the judgment of the principal, loss of promotion or bidding
7 procedure, reprimand, suspension with or without pay, or
8 recommended dismissal. The board shall establish rules for
9 conducting the evaluation and reporting the results to the
10 food service manager.

11 Nothing in this Section shall be interpreted to require
12 the employment or assignment of an Engineer-In-Charge or a
13 Food Service Manager for each attendance center.

14 Principals shall be employed to supervise the educational
15 operation of each attendance center. If a principal is absent
16 due to extended illness or leave of absence, an assistant
17 principal may be assigned as acting principal for a period not
18 to exceed 100 school days. Each principal shall assume
19 administrative responsibility and instructional leadership, in
20 accordance with reasonable rules and regulations of the board,
21 for the planning, operation and evaluation of the educational
22 program of the attendance center to which he is assigned. The
23 principal shall submit recommendations to the general
24 superintendent concerning the appointment, dismissal,
25 retention, promotion, and assignment of all personnel assigned
26 to the attendance center; provided, that from and after

1 September 1, 1989: (i) if any vacancy occurs in a position at
2 the attendance center or if an additional or new position is
3 created at the attendance center, that position shall be
4 filled by appointment made by the principal in accordance with
5 procedures established and provided by the Board whenever the
6 majority of the duties included in that position are to be
7 performed at the attendance center which is under the
8 principal's supervision, and each such appointment so made by
9 the principal shall be made and based upon merit and ability to
10 perform in that position without regard to seniority or length
11 of service, provided, that such appointments shall be subject
12 to the Board's desegregation obligations, including but not
13 limited to the Consent Decree and Desegregation Plan in U.S.
14 v. Chicago Board of Education; (ii) the principal shall submit
15 recommendations based upon merit and ability to perform in the
16 particular position, without regard to seniority or length of
17 service, to the general superintendent concerning the
18 appointment of any teacher, teacher aide, counselor, clerk,
19 hall guard, security guard and any other personnel which is to
20 be made by the general superintendent whenever less than a
21 majority of the duties of that teacher, teacher aide,
22 counselor, clerk, hall guard, and security guard and any other
23 personnel are to be performed at the attendance center which
24 is under the principal's supervision; and (iii) subject to law
25 and the applicable collective bargaining agreements, the
26 authority and responsibilities of a principal with respect to

1 the evaluation of all teachers and other personnel assigned to
2 an attendance center shall commence immediately upon his or
3 her appointment as principal of the attendance center, without
4 regard to the length of time that he or she has been the
5 principal of that attendance center.

6 Notwithstanding the existence of any other law of this
7 State, nothing in this Act shall prevent the board from
8 entering into a contract with a third party for services
9 currently performed by any employee or bargaining unit member.

10 Notwithstanding any other provision of this Article, each
11 principal may approve contracts, binding on the board, in the
12 amount of no more than \$10,000, if the contract is endorsed by
13 the Local School Council.

14 Unless otherwise prohibited by law or by rule of the
15 board, the principal shall provide to local school council
16 members copies of all internal audits and any other pertinent
17 information generated by any audits or reviews of the programs
18 and operation of the attendance center.

19 Each principal shall hold a valid Professional Educator
20 License ~~administrative certificate~~ issued ~~or exchanged~~ in
21 accordance with Article 21B ~~21~~ and endorsed as required by
22 that Article for the position of principal. The board may
23 establish or impose academic, educational, examination, and
24 experience requirements and criteria that are in addition to
25 those established and required by Article 21B ~~21~~ for issuance
26 of a valid license ~~certificate~~ endorsed for the position of

1 principal as a condition of the nomination, selection,
2 appointment, employment, or continued employment of a person
3 as principal of any attendance center, or as a condition of the
4 renewal of any principal's performance contract.

5 The board shall specify in its formal job description for
6 principals, and from and after July 1, 1990 shall specify in
7 the 4 year performance contracts for use with respect to all
8 principals, that his or her primary responsibility is in the
9 improvement of instruction. A majority of the time spent by a
10 principal shall be spent on curriculum and staff development
11 through both formal and informal activities, establishing
12 clear lines of communication regarding school goals,
13 accomplishments, practices and policies with parents and
14 teachers. The principal, with the assistance of the local
15 school council, shall develop a school improvement plan as
16 provided in Section 34-2.4 and, upon approval of the plan by
17 the local school council, shall be responsible for directing
18 implementation of the plan. The principal, with the assistance
19 of the professional personnel leadership committee, shall
20 develop the specific methods and contents of the school's
21 curriculum within the board's system-wide curriculum standards
22 and objectives and the requirements of the school improvement
23 plan. The board shall ensure that all principals are evaluated
24 on their instructional leadership ability and their ability to
25 maintain a positive education and learning climate. It shall
26 also be the responsibility of the principal to utilize

1 resources of proper law enforcement agencies when the safety
2 and welfare of students and teachers are threatened by illegal
3 use of drugs and alcohol, by illegal use or possession of
4 weapons, or by illegal gang activity.

5 Nothing in this Section shall prohibit the board and the
6 exclusive representative of the district's teachers from
7 entering into an agreement under Section 34-85c of this Code
8 to establish alternative procedures for teacher evaluation,
9 remediation, and removal for cause after remediation,
10 including an alternative system for peer evaluation and
11 recommendations, for teachers assigned to schools identified
12 in that agreement.

13 On or before October 1, 1989, the Board of Education, in
14 consultation with any professional organization representing
15 principals in the district, shall promulgate rules and
16 implement a lottery for the purpose of determining whether a
17 principal's existing performance contract (including the
18 performance contract applicable to any principal's position in
19 which a vacancy then exists) expires on June 30, 1990 or on
20 June 30, 1991, and whether the ensuing 4 year performance
21 contract begins on July 1, 1990 or July 1, 1991. The Board of
22 Education shall establish and conduct the lottery in such
23 manner that of all the performance contracts of principals
24 (including the performance contracts applicable to all
25 principal positions in which a vacancy then exists), 50% of
26 such contracts shall expire on June 30, 1990, and 50% shall

1 expire on June 30, 1991. All persons serving as principal on
2 May 1, 1989, and all persons appointed as principal after May
3 1, 1989 and prior to July 1, 1990 or July 1, 1991, in a manner
4 other than as provided by Section 34-2.3, shall be deemed by
5 operation of law to be serving under a performance contract
6 which expires on June 30, 1990 or June 30, 1991; and unless
7 such performance contract of any such principal is renewed (or
8 such person is again appointed to serve as principal) in the
9 manner provided by Section 34-2.2 or 34-2.3, the employment of
10 such person as principal shall terminate on June 30, 1990 or
11 June 30, 1991.

12 Commencing on July 1, 1990, or on July 1, 1991, and
13 thereafter, the principal of each attendance center shall be
14 the person selected in the manner provided by Section 34-2.3
15 to serve as principal of that attendance center under a 4 year
16 performance contract. All performance contracts of principals
17 expiring after July 1, 1990, or July 1, 1991, shall commence on
18 the date specified in the contract, and the renewal of their
19 performance contracts and the appointment of principals when
20 their performance contracts are not renewed shall be governed
21 by Sections 34-2.2 and 34-2.3. Whenever a vacancy in the
22 office of a principal occurs for any reason, the vacancy shall
23 be filled by the selection of a new principal to serve under a
24 4 year performance contract in the manner provided by Section
25 34-2.3.

26 The board of education shall develop and prepare, in

1 consultation with the organization representing principals, a
2 performance contract for use at all attendance centers, and
3 shall furnish the same to each local school council. The term
4 of the performance contract shall be 4 years, unless the
5 principal is retained by the decision of a hearing officer
6 pursuant to subdivision 1.5 of Section 34-2.3, in which case
7 the contract shall be extended for 2 years. The performance
8 contract of each principal shall consist of the uniform
9 performance contract, as developed or from time to time
10 modified by the board, and such additional criteria as are
11 established by a local school council pursuant to Section
12 34-2.3 for the performance contract of its principal.

13 During the term of his or her performance contract, a
14 principal may be removed only as provided for in the
15 performance contract except for cause. He or she shall also be
16 obliged to follow the rules of the board of education
17 concerning conduct and efficiency.

18 In the event the performance contract of a principal is
19 not renewed or a principal is not reappointed as principal
20 under a new performance contract, or in the event a principal
21 is appointed to any position of superintendent or higher
22 position, or voluntarily resigns his position of principal,
23 his or her employment as a principal shall terminate and such
24 former principal shall not be reinstated to the position from
25 which he or she was promoted to principal, except that he or
26 she, if otherwise qualified and licensed ~~certified~~ in

1 accordance with Article 21B ~~21~~, shall be placed by the board on
2 appropriate eligibility lists which it prepares for use in the
3 filling of vacant or additional or newly created positions for
4 teachers. The principal's total years of service to the board
5 as both a teacher and a principal, or in other professional
6 capacities, shall be used in calculating years of experience
7 for purposes of being selected as a teacher into new,
8 additional or vacant positions.

9 In the event the performance contract of a principal is
10 not renewed or a principal is not reappointed as principal
11 under a new performance contract, such principal shall be
12 eligible to continue to receive his or her previously provided
13 level of health insurance benefits for a period of 90 days
14 following the non-renewal of the contract at no expense to the
15 principal, provided that such principal has not retired.

16 (Source: P.A. 99-642, eff. 7-28-16.)

17 (105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

18 Sec. 34-18. Powers of the board. The board shall exercise
19 general supervision and jurisdiction over the public education
20 and the public school system of the city, and, except as
21 otherwise provided by this Article, shall have power:

22 1. To make suitable provision for the establishment
23 and maintenance throughout the year or for such portion
24 thereof as it may direct, not less than 9 months and in
25 compliance with Section 10-19.05, of schools of all grades

1 and kinds, including normal schools, high schools, night
2 schools, schools for defectives and delinquents, parental
3 and truant schools, schools for the blind, the deaf, and
4 persons with physical disabilities, schools or classes in
5 manual training, constructural and vocational teaching,
6 domestic arts, and physical culture, vocation and
7 extension schools and lecture courses, and all other
8 educational courses and facilities, including
9 establishing, equipping, maintaining and operating
10 playgrounds and recreational programs, when such programs
11 are conducted in, adjacent to, or connected with any
12 public school under the general supervision and
13 jurisdiction of the board; provided that the calendar for
14 the school term and any changes must be submitted to and
15 approved by the State Board of Education before the
16 calendar or changes may take effect, and provided that in
17 allocating funds from year to year for the operation of
18 all attendance centers within the district, the board
19 shall ensure that supplemental general State aid or
20 supplemental grant funds are allocated and applied in
21 accordance with Section 18-8, 18-8.05, or 18-8.15. To
22 admit to such schools without charge foreign exchange
23 students who are participants in an organized exchange
24 student program which is authorized by the board. The
25 board shall permit all students to enroll in
26 apprenticeship programs in trade schools operated by the

1 board, whether those programs are union-sponsored or not.
2 No student shall be refused admission into or be excluded
3 from any course of instruction offered in the common
4 schools by reason of that student's sex. No student shall
5 be denied equal access to physical education and
6 interscholastic athletic programs supported from school
7 district funds or denied participation in comparable
8 physical education and athletic programs solely by reason
9 of the student's sex. Equal access to programs supported
10 from school district funds and comparable programs will be
11 defined in rules promulgated by the State Board of
12 Education in consultation with the Illinois High School
13 Association. Notwithstanding any other provision of this
14 Article, neither the board of education nor any local
15 school council or other school official shall recommend
16 that children with disabilities be placed into regular
17 education classrooms unless those children with
18 disabilities are provided with supplementary services to
19 assist them so that they benefit from the regular
20 classroom instruction and are included on the teacher's
21 regular education class register;

22 2. To furnish lunches to pupils, to make a reasonable
23 charge therefor, and to use school funds for the payment
24 of such expenses as the board may determine are necessary
25 in conducting the school lunch program;

26 3. To co-operate with the circuit court;

1 4. To make arrangements with the public or
2 quasi-public libraries and museums for the use of their
3 facilities by teachers and pupils of the public schools;

4 5. To employ dentists and prescribe their duties for
5 the purpose of treating the pupils in the schools, but
6 accepting such treatment shall be optional with parents or
7 guardians;

8 6. To grant the use of assembly halls and classrooms
9 when not otherwise needed, including light, heat, and
10 attendants, for free public lectures, concerts, and other
11 educational and social interests, free of charge, under
12 such provisions and control as the principal of the
13 affected attendance center may prescribe;

14 7. To apportion the pupils to the several schools;
15 provided that no pupil shall be excluded from or
16 segregated in any such school on account of his color,
17 race, sex, or nationality. The board shall take into
18 consideration the prevention of segregation and the
19 elimination of separation of children in public schools
20 because of color, race, sex, or nationality. Except that
21 children may be committed to or attend parental and social
22 adjustment schools established and maintained either for
23 boys or girls only. All records pertaining to the
24 creation, alteration or revision of attendance areas shall
25 be open to the public. Nothing herein shall limit the
26 board's authority to establish multi-area attendance

1 centers or other student assignment systems for
2 desegregation purposes or otherwise, and to apportion the
3 pupils to the several schools. Furthermore, beginning in
4 school year 1994-95, pursuant to a board plan adopted by
5 October 1, 1993, the board shall offer, commencing on a
6 phased-in basis, the opportunity for families within the
7 school district to apply for enrollment of their children
8 in any attendance center within the school district which
9 does not have selective admission requirements approved by
10 the board. The appropriate geographical area in which such
11 open enrollment may be exercised shall be determined by
12 the board of education. Such children may be admitted to
13 any such attendance center on a space available basis
14 after all children residing within such attendance
15 center's area have been accommodated. If the number of
16 applicants from outside the attendance area exceed the
17 space available, then successful applicants shall be
18 selected by lottery. The board of education's open
19 enrollment plan must include provisions that allow
20 low-income students to have access to transportation
21 needed to exercise school choice. Open enrollment shall be
22 in compliance with the provisions of the Consent Decree
23 and Desegregation Plan cited in Section 34-1.01;

24 8. To approve programs and policies for providing
25 transportation services to students. Nothing herein shall
26 be construed to permit or empower the State Board of

1 Education to order, mandate, or require busing or other
2 transportation of pupils for the purpose of achieving
3 racial balance in any school;

4 9. Subject to the limitations in this Article, to
5 establish and approve system-wide curriculum objectives
6 and standards, including graduation standards, which
7 reflect the multi-cultural diversity in the city and are
8 consistent with State law, provided that for all purposes
9 of this Article courses or proficiency in American Sign
10 Language shall be deemed to constitute courses or
11 proficiency in a foreign language; and to employ
12 principals and teachers, appointed as provided in this
13 Article, and fix their compensation. The board shall
14 prepare such reports related to minimal competency testing
15 as may be requested by the State Board of Education and, in
16 addition, shall monitor and approve special education and
17 bilingual education programs and policies within the
18 district to ensure that appropriate services are provided
19 in accordance with applicable State and federal laws to
20 children requiring services and education in those areas;

21 10. To employ non-teaching personnel or utilize
22 volunteer personnel for: (i) non-teaching duties not
23 requiring instructional judgment or evaluation of pupils,
24 including library duties; and (ii) supervising study
25 halls, long distance teaching reception areas used
26 incident to instructional programs transmitted by

1 electronic media such as computers, video, and audio,
2 detention and discipline areas, and school-sponsored
3 extracurricular activities. The board may further utilize
4 volunteer nonlicensed ~~non-certificated~~ personnel or employ
5 nonlicensed ~~non-certificated~~ personnel to assist in the
6 instruction of pupils under the immediate supervision of a
7 teacher holding a valid educator license ~~certificate~~,
8 directly engaged in teaching subject matter or conducting
9 activities; provided that the teacher shall be
10 continuously aware of the nonlicensed ~~non-certificated~~
11 persons' activities and shall be able to control or modify
12 them. The general superintendent shall determine
13 qualifications of such personnel and shall prescribe rules
14 for determining the duties and activities to be assigned
15 to such personnel;

16 10.5. To utilize volunteer personnel from a regional
17 School Crisis Assistance Team (S.C.A.T.), created as part
18 of the Safe to Learn Program established pursuant to
19 Section 25 of the Illinois Violence Prevention Act of
20 1995, to provide assistance to schools in times of
21 violence or other traumatic incidents within a school
22 community by providing crisis intervention services to
23 lessen the effects of emotional trauma on individuals and
24 the community; the School Crisis Assistance Team Steering
25 Committee shall determine the qualifications for
26 volunteers;

1 11. To provide television studio facilities in not to
2 exceed one school building and to provide programs for
3 educational purposes, provided, however, that the board
4 shall not construct, acquire, operate, or maintain a
5 television transmitter; to grant the use of its studio
6 facilities to a licensed television station located in the
7 school district; and to maintain and operate not to exceed
8 one school radio transmitting station and provide programs
9 for educational purposes;

10 12. To offer, if deemed appropriate, outdoor education
11 courses, including field trips within the State of
12 Illinois, or adjacent states, and to use school
13 educational funds for the expense of the said outdoor
14 educational programs, whether within the school district
15 or not;

16 13. During that period of the calendar year not
17 embraced within the regular school term, to provide and
18 conduct courses in subject matters normally embraced in
19 the program of the schools during the regular school term
20 and to give regular school credit for satisfactory
21 completion by the student of such courses as may be
22 approved for credit by the State Board of Education;

23 14. To insure against any loss or liability of the
24 board, the former School Board Nominating Commission,
25 Local School Councils, the Chicago Schools Academic
26 Accountability Council, or the former Subdistrict Councils

1 or of any member, officer, agent, or employee thereof,
2 resulting from alleged violations of civil rights arising
3 from incidents occurring on or after September 5, 1967 or
4 from the wrongful or negligent act or omission of any such
5 person whether occurring within or without the school
6 premises, provided the officer, agent, or employee was, at
7 the time of the alleged violation of civil rights or
8 wrongful act or omission, acting within the scope of his
9 or her employment or under direction of the board, the
10 former School Board Nominating Commission, the Chicago
11 Schools Academic Accountability Council, Local School
12 Councils, or the former Subdistrict Councils; and to
13 provide for or participate in insurance plans for its
14 officers and employees, including, but not limited to,
15 retirement annuities, medical, surgical and
16 hospitalization benefits in such types and amounts as may
17 be determined by the board; provided, however, that the
18 board shall contract for such insurance only with an
19 insurance company authorized to do business in this State.
20 Such insurance may include provision for employees who
21 rely on treatment by prayer or spiritual means alone for
22 healing, in accordance with the tenets and practice of a
23 recognized religious denomination;

24 15. To contract with the corporate authorities of any
25 municipality or the county board of any county, as the
26 case may be, to provide for the regulation of traffic in

1 parking areas of property used for school purposes, in
2 such manner as is provided by Section 11-209 of the
3 Illinois Vehicle Code;

4 16. (a) To provide, on an equal basis, access to a high
5 school campus and student directory information to the
6 official recruiting representatives of the armed forces of
7 Illinois and the United States for the purposes of
8 informing students of the educational and career
9 opportunities available in the military if the board has
10 provided such access to persons or groups whose purpose is
11 to acquaint students with educational or occupational
12 opportunities available to them. The board is not required
13 to give greater notice regarding the right of access to
14 recruiting representatives than is given to other persons
15 and groups. In this paragraph 16, "directory information"
16 means a high school student's name, address, and telephone
17 number.

18 (b) If a student or his or her parent or guardian
19 submits a signed, written request to the high school
20 before the end of the student's sophomore year (or if the
21 student is a transfer student, by another time set by the
22 high school) that indicates that the student or his or her
23 parent or guardian does not want the student's directory
24 information to be provided to official recruiting
25 representatives under subsection (a) of this Section, the
26 high school may not provide access to the student's

1 directory information to these recruiting representatives.
2 The high school shall notify its students and their
3 parents or guardians of the provisions of this subsection
4 (b).

5 (c) A high school may require official recruiting
6 representatives of the armed forces of Illinois and the
7 United States to pay a fee for copying and mailing a
8 student's directory information in an amount that is not
9 more than the actual costs incurred by the high school.

10 (d) Information received by an official recruiting
11 representative under this Section may be used only to
12 provide information to students concerning educational and
13 career opportunities available in the military and may not
14 be released to a person who is not involved in recruiting
15 students for the armed forces of Illinois or the United
16 States;

17 17. (a) To sell or market any computer program
18 developed by an employee of the school district, provided
19 that such employee developed the computer program as a
20 direct result of his or her duties with the school
21 district or through the utilization of school district
22 resources or facilities. The employee who developed the
23 computer program shall be entitled to share in the
24 proceeds of such sale or marketing of the computer
25 program. The distribution of such proceeds between the
26 employee and the school district shall be as agreed upon

1 by the employee and the school district, except that
2 neither the employee nor the school district may receive
3 more than 90% of such proceeds. The negotiation for an
4 employee who is represented by an exclusive bargaining
5 representative may be conducted by such bargaining
6 representative at the employee's request.

7 (b) For the purpose of this paragraph 17:

8 (1) "Computer" means an internally programmed,
9 general purpose digital device capable of
10 automatically accepting data, processing data and
11 supplying the results of the operation.

12 (2) "Computer program" means a series of coded
13 instructions or statements in a form acceptable to a
14 computer, which causes the computer to process data in
15 order to achieve a certain result.

16 (3) "Proceeds" means profits derived from the
17 marketing or sale of a product after deducting the
18 expenses of developing and marketing such product;

19 18. To delegate to the general superintendent of
20 schools, by resolution, the authority to approve contracts
21 and expenditures in amounts of \$10,000 or less;

22 19. Upon the written request of an employee, to
23 withhold from the compensation of that employee any dues,
24 payments, or contributions payable by such employee to any
25 labor organization as defined in the Illinois Educational
26 Labor Relations Act. Under such arrangement, an amount

1 shall be withheld from each regular payroll period which
2 is equal to the pro rata share of the annual dues plus any
3 payments or contributions, and the board shall transmit
4 such withholdings to the specified labor organization
5 within 10 working days from the time of the withholding;

6 19a. Upon receipt of notice from the comptroller of a
7 municipality with a population of 500,000 or more, a
8 county with a population of 3,000,000 or more, the Cook
9 County Forest Preserve District, the Chicago Park
10 District, the Metropolitan Water Reclamation District, the
11 Chicago Transit Authority, or a housing authority of a
12 municipality with a population of 500,000 or more that a
13 debt is due and owing the municipality, the county, the
14 Cook County Forest Preserve District, the Chicago Park
15 District, the Metropolitan Water Reclamation District, the
16 Chicago Transit Authority, or the housing authority by an
17 employee of the Chicago Board of Education, to withhold,
18 from the compensation of that employee, the amount of the
19 debt that is due and owing and pay the amount withheld to
20 the municipality, the county, the Cook County Forest
21 Preserve District, the Chicago Park District, the
22 Metropolitan Water Reclamation District, the Chicago
23 Transit Authority, or the housing authority; provided,
24 however, that the amount deducted from any one salary or
25 wage payment shall not exceed 25% of the net amount of the
26 payment. Before the Board deducts any amount from any

1 salary or wage of an employee under this paragraph, the
2 municipality, the county, the Cook County Forest Preserve
3 District, the Chicago Park District, the Metropolitan
4 Water Reclamation District, the Chicago Transit Authority,
5 or the housing authority shall certify that (i) the
6 employee has been afforded an opportunity for a hearing to
7 dispute the debt that is due and owing the municipality,
8 the county, the Cook County Forest Preserve District, the
9 Chicago Park District, the Metropolitan Water Reclamation
10 District, the Chicago Transit Authority, or the housing
11 authority and (ii) the employee has received notice of a
12 wage deduction order and has been afforded an opportunity
13 for a hearing to object to the order. For purposes of this
14 paragraph, "net amount" means that part of the salary or
15 wage payment remaining after the deduction of any amounts
16 required by law to be deducted and "debt due and owing"
17 means (i) a specified sum of money owed to the
18 municipality, the county, the Cook County Forest Preserve
19 District, the Chicago Park District, the Metropolitan
20 Water Reclamation District, the Chicago Transit Authority,
21 or the housing authority for services, work, or goods,
22 after the period granted for payment has expired, or (ii)
23 a specified sum of money owed to the municipality, the
24 county, the Cook County Forest Preserve District, the
25 Chicago Park District, the Metropolitan Water Reclamation
26 District, the Chicago Transit Authority, or the housing

1 authority pursuant to a court order or order of an
2 administrative hearing officer after the exhaustion of, or
3 the failure to exhaust, judicial review;

4 20. The board is encouraged to employ a sufficient
5 number of licensed ~~certified~~ school counselors to maintain
6 a student/counselor ratio of 250 to 1 ~~by July 1, 1990~~. Each
7 counselor shall spend at least 75% of his work time in
8 direct contact with students and shall maintain a record
9 of such time;

10 21. To make available to students vocational and
11 career counseling and to establish 5 special career
12 counseling days for students and parents. On these days
13 representatives of local businesses and industries shall
14 be invited to the school campus and shall inform students
15 of career opportunities available to them in the various
16 businesses and industries. Special consideration shall be
17 given to counseling minority students as to career
18 opportunities available to them in various fields. For the
19 purposes of this paragraph, minority student means a
20 person who is any of the following:

21 (a) American Indian or Alaska Native (a person having
22 origins in any of the original peoples of North and South
23 America, including Central America, and who maintains
24 tribal affiliation or community attachment).

25 (b) Asian (a person having origins in any of the
26 original peoples of the Far East, Southeast Asia, or the

1 Indian subcontinent, including, but not limited to,
2 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
3 the Philippine Islands, Thailand, and Vietnam).

4 (c) Black or African American (a person having origins
5 in any of the black racial groups of Africa).

6 (d) Hispanic or Latino (a person of Cuban, Mexican,
7 Puerto Rican, South or Central American, or other Spanish
8 culture or origin, regardless of race).

9 (e) Native Hawaiian or Other Pacific Islander (a
10 person having origins in any of the original peoples of
11 Hawaii, Guam, Samoa, or other Pacific Islands).

12 Counseling days shall not be in lieu of regular school
13 days;

14 22. To report to the State Board of Education the
15 annual student dropout rate and number of students who
16 graduate from, transfer from, or otherwise leave bilingual
17 programs;

18 23. Except as otherwise provided in the Abused and
19 Neglected Child Reporting Act or other applicable State or
20 federal law, to permit school officials to withhold, from
21 any person, information on the whereabouts of any child
22 removed from school premises when the child has been taken
23 into protective custody as a victim of suspected child
24 abuse. School officials shall direct such person to the
25 Department of Children and Family Services or to the local
26 law enforcement agency, if appropriate;

1 24. To develop a policy, based on the current state of
2 existing school facilities, projected enrollment, and
3 efficient utilization of available resources, for capital
4 improvement of schools and school buildings within the
5 district, addressing in that policy both the relative
6 priority for major repairs, renovations, and additions to
7 school facilities and the advisability or necessity of
8 building new school facilities or closing existing schools
9 to meet current or projected demographic patterns within
10 the district;

11 25. To make available to the students in every high
12 school attendance center the ability to take all courses
13 necessary to comply with the Board of Higher Education's
14 college entrance criteria effective in 1993;

15 26. To encourage mid-career changes into the teaching
16 profession, whereby qualified professionals become
17 licensed ~~certified~~ teachers, by allowing credit for
18 professional employment in related fields when determining
19 point of entry on the teacher pay scale;

20 27. To provide or contract out training programs for
21 administrative personnel and principals with revised or
22 expanded duties pursuant to this Code in order to ensure
23 they have the knowledge and skills to perform their
24 duties;

25 28. To establish a fund for the prioritized special
26 needs programs, and to allocate such funds and other lump

1 sum amounts to each attendance center in a manner
2 consistent with the provisions of part 4 of Section
3 34-2.3. Nothing in this paragraph shall be construed to
4 require any additional appropriations of State funds for
5 this purpose;

6 29. (Blank);

7 30. Notwithstanding any other provision of this Act or
8 any other law to the contrary, to contract with third
9 parties for services otherwise performed by employees,
10 including those in a bargaining unit, and to layoff those
11 employees upon 14 days written notice to the affected
12 employees. Those contracts may be for a period not to
13 exceed 5 years and may be awarded on a system-wide basis.
14 The board may not operate more than 30 contract schools,
15 provided that the board may operate an additional 5
16 contract turnaround schools pursuant to item (5.5) of
17 subsection (d) of Section 34-8.3 of this Code, and the
18 governing bodies of contract schools are subject to the
19 Freedom of Information Act and Open Meetings Act;

20 31. To promulgate rules establishing procedures
21 governing the layoff or reduction in force of employees
22 and the recall of such employees, including, but not
23 limited to, criteria for such layoffs, reductions in force
24 or recall rights of such employees and the weight to be
25 given to any particular criterion. Such criteria shall
26 take into account factors, including, but not limited to,

1 qualifications, certifications, experience, performance
2 ratings or evaluations, and any other factors relating to
3 an employee's job performance;

4 32. To develop a policy to prevent nepotism in the
5 hiring of personnel or the selection of contractors;

6 33. (Blank); and

7 34. To establish a Labor Management Council to the
8 board comprised of representatives of the board, the chief
9 executive officer, and those labor organizations that are
10 the exclusive representatives of employees of the board
11 and to promulgate policies and procedures for the
12 operation of the Council.

13 The specifications of the powers herein granted are not to
14 be construed as exclusive, but the board shall also exercise
15 all other powers that may be requisite or proper for the
16 maintenance and the development of a public school system, not
17 inconsistent with the other provisions of this Article or
18 provisions of this Code which apply to all school districts.

19 In addition to the powers herein granted and authorized to
20 be exercised by the board, it shall be the duty of the board to
21 review or to direct independent reviews of special education
22 expenditures and services. The board shall file a report of
23 such review with the General Assembly on or before May 1, 1990.
24 (Source: P.A. 101-12, eff. 7-1-19; 101-88, eff. 1-1-20;
25 102-465, eff. 1-1-22; 102-558, eff. 8-20-21.)

1 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

2 Sec. 34-18.5. Criminal history records checks and checks
3 of the Statewide Sex Offender Database and Statewide Murderer
4 and Violent Offender Against Youth Database.

5 (a) Licensed and nonlicensed applicants for employment
6 with the school district are required as a condition of
7 employment to authorize a fingerprint-based criminal history
8 records check to determine if such applicants have been
9 convicted of any disqualifying, enumerated criminal or drug
10 offense in subsection (c) of this Section or have been
11 convicted, within 7 years of the application for employment
12 with the school district, of any other felony under the laws of
13 this State or of any offense committed or attempted in any
14 other state or against the laws of the United States that, if
15 committed or attempted in this State, would have been
16 punishable as a felony under the laws of this State.
17 Authorization for the check shall be furnished by the
18 applicant to the school district, except that if the applicant
19 is a substitute teacher seeking employment in more than one
20 school district, or a teacher seeking concurrent part-time
21 employment positions with more than one school district (as a
22 reading specialist, special education teacher or otherwise),
23 or an educational support personnel employee seeking
24 employment positions with more than one district, any such
25 district may require the applicant to furnish authorization
26 for the check to the regional superintendent of the

1 educational service region in which are located the school
2 districts in which the applicant is seeking employment as a
3 substitute or concurrent part-time teacher or concurrent
4 educational support personnel employee. Upon receipt of this
5 authorization, the school district or the appropriate regional
6 superintendent, as the case may be, shall submit the
7 applicant's name, sex, race, date of birth, social security
8 number, fingerprint images, and other identifiers, as
9 prescribed by the Illinois State Police, to the Illinois State
10 Police. The regional superintendent submitting the requisite
11 information to the Illinois State Police shall promptly notify
12 the school districts in which the applicant is seeking
13 employment as a substitute or concurrent part-time teacher or
14 concurrent educational support personnel employee that the
15 check of the applicant has been requested. The Illinois State
16 Police and the Federal Bureau of Investigation shall furnish,
17 pursuant to a fingerprint-based criminal history records
18 check, records of convictions, forever and hereinafter, until
19 expunged, to the president of the school board for the school
20 district that requested the check, or to the regional
21 superintendent who requested the check. The Illinois State
22 Police shall charge the school district or the appropriate
23 regional superintendent a fee for conducting such check, which
24 fee shall be deposited in the State Police Services Fund and
25 shall not exceed the cost of the inquiry; and the applicant
26 shall not be charged a fee for such check by the school

1 district or by the regional superintendent. Subject to
2 appropriations for these purposes, the State Superintendent of
3 Education shall reimburse the school district and regional
4 superintendent for fees paid to obtain criminal history
5 records checks under this Section.

6 (a-5) The school district or regional superintendent shall
7 further perform a check of the Statewide Sex Offender
8 Database, as authorized by the Sex Offender Community
9 Notification Law, for each applicant. The check of the
10 Statewide Sex Offender Database must be conducted by the
11 school district or regional superintendent once for every 5
12 years that an applicant remains employed by the school
13 district.

14 (a-6) The school district or regional superintendent shall
15 further perform a check of the Statewide Murderer and Violent
16 Offender Against Youth Database, as authorized by the Murderer
17 and Violent Offender Against Youth Community Notification Law,
18 for each applicant. The check of the Murderer and Violent
19 Offender Against Youth Database must be conducted by the
20 school district or regional superintendent once for every 5
21 years that an applicant remains employed by the school
22 district.

23 (b) Any information concerning the record of convictions
24 obtained by the president of the board of education or the
25 regional superintendent shall be confidential and may only be
26 transmitted to the general superintendent of the school

1 district or his designee, the appropriate regional
2 superintendent if the check was requested by the board of
3 education for the school district, the presidents of the
4 appropriate board of education or school boards if the check
5 was requested from the Illinois State Police by the regional
6 superintendent, the State Board of Education and the school
7 district as authorized under subsection (b-5), the State
8 Superintendent of Education, the State Educator Preparation
9 and Licensure Board or any other person necessary to the
10 decision of hiring the applicant for employment. A copy of the
11 record of convictions obtained from the Illinois State Police
12 shall be provided to the applicant for employment. Upon the
13 check of the Statewide Sex Offender Database or Statewide
14 Murderer and Violent Offender Against Youth Database, the
15 school district or regional superintendent shall notify an
16 applicant as to whether or not the applicant has been
17 identified in the Database. If a check of an applicant for
18 employment as a substitute or concurrent part-time teacher or
19 concurrent educational support personnel employee in more than
20 one school district was requested by the regional
21 superintendent, and the Illinois State Police upon a check
22 ascertains that the applicant has not been convicted of any of
23 the enumerated criminal or drug offenses in subsection (c) of
24 this Section or has not been convicted, within 7 years of the
25 application for employment with the school district, of any
26 other felony under the laws of this State or of any offense

1 committed or attempted in any other state or against the laws
2 of the United States that, if committed or attempted in this
3 State, would have been punishable as a felony under the laws of
4 this State and so notifies the regional superintendent and if
5 the regional superintendent upon a check ascertains that the
6 applicant has not been identified in the Sex Offender Database
7 or Statewide Murderer and Violent Offender Against Youth
8 Database, then the regional superintendent shall issue to the
9 applicant a certificate evidencing that as of the date
10 specified by the Illinois State Police the applicant has not
11 been convicted of any of the enumerated criminal or drug
12 offenses in subsection (c) of this Section or has not been
13 convicted, within 7 years of the application for employment
14 with the school district, of any other felony under the laws of
15 this State or of any offense committed or attempted in any
16 other state or against the laws of the United States that, if
17 committed or attempted in this State, would have been
18 punishable as a felony under the laws of this State and
19 evidencing that as of the date that the regional
20 superintendent conducted a check of the Statewide Sex Offender
21 Database or Statewide Murderer and Violent Offender Against
22 Youth Database, the applicant has not been identified in the
23 Database. The school board of any school district may rely on
24 the certificate issued by any regional superintendent to that
25 substitute teacher, concurrent part-time teacher, or
26 concurrent educational support personnel employee or may

1 initiate its own criminal history records check of the
2 applicant through the Illinois State Police and its own check
3 of the Statewide Sex Offender Database or Statewide Murderer
4 and Violent Offender Against Youth Database as provided in
5 this Section. Any unauthorized release of confidential
6 information may be a violation of Section 7 of the Criminal
7 Identification Act.

8 (b-5) If a criminal history records check or check of the
9 Statewide Sex Offender Database or Statewide Murderer and
10 Violent Offender Against Youth Database is performed by a
11 regional superintendent for an applicant seeking employment as
12 a substitute teacher with the school district, the regional
13 superintendent may disclose to the State Board of Education
14 whether the applicant has been issued a certificate under
15 subsection (b) based on those checks. If the State Board
16 receives information on an applicant under this subsection,
17 then it must indicate in the Educator Licensure Information
18 System for a 90-day period that the applicant has been issued
19 or has not been issued a certificate.

20 (c) The board of education shall not knowingly employ a
21 person who has been convicted of any offense that would
22 subject him or her to license suspension or revocation
23 pursuant to Section 21B-80 of this Code, except as provided
24 under subsection (b) of 21B-80. Further, the board of
25 education shall not knowingly employ a person who has been
26 found to be the perpetrator of sexual or physical abuse of any

1 minor under 18 years of age pursuant to proceedings under
2 Article II of the Juvenile Court Act of 1987. As a condition of
3 employment, the board of education must consider the status of
4 a person who has been issued an indicated finding of abuse or
5 neglect of a child by the Department of Children and Family
6 Services under the Abused and Neglected Child Reporting Act or
7 by a child welfare agency of another jurisdiction.

8 (d) The board of education shall not knowingly employ a
9 person for whom a criminal history records check and a
10 Statewide Sex Offender Database check have not been initiated.

11 (e) Within 10 days after the general superintendent of
12 schools, a regional office of education, or an entity that
13 provides background checks of license holders to public
14 schools receives information of a pending criminal charge
15 against a license holder for an offense set forth in Section
16 21B-80 of this Code, the superintendent, regional office of
17 education, or entity must notify the State Superintendent of
18 Education of the pending criminal charge.

19 No later than 15 business days after receipt of a record of
20 conviction or of checking the Statewide Murderer and Violent
21 Offender Against Youth Database or the Statewide Sex Offender
22 Database and finding a registration, the general
23 superintendent of schools or the applicable regional
24 superintendent shall, in writing, notify the State
25 Superintendent of Education of any license holder who has been
26 convicted of a crime set forth in Section 21B-80 of this Code.

1 Upon receipt of the record of a conviction of or a finding of
2 child abuse by a holder of any license issued pursuant to
3 Article 21B or Section 34-8.1 ~~or 34-83~~ of this Code, the State
4 Superintendent of Education may initiate licensure suspension
5 and revocation proceedings as authorized by law. If the
6 receipt of the record of conviction or finding of child abuse
7 is received within 6 months after the initial grant of or
8 renewal of a license, the State Superintendent of Education
9 may rescind the license holder's license.

10 (e-5) The general superintendent of schools shall, in
11 writing, notify the State Superintendent of Education of any
12 license holder whom he or she has reasonable cause to believe
13 has committed an intentional act of abuse or neglect with the
14 result of making a child an abused child or a neglected child,
15 as defined in Section 3 of the Abused and Neglected Child
16 Reporting Act, and that act resulted in the license holder's
17 dismissal or resignation from the school district and must
18 include the Illinois Educator Identification Number (IEIN) of
19 the license holder and a brief description of the misconduct
20 alleged. This notification must be submitted within 30 days
21 after the dismissal or resignation. The license holder must
22 also be contemporaneously sent a copy of the notice by the
23 superintendent. All correspondence, documentation, and other
24 information so received by the State Superintendent of
25 Education, the State Board of Education, or the State Educator
26 Preparation and Licensure Board under this subsection (e-5) is

1 confidential and must not be disclosed to third parties,
2 except (i) as necessary for the State Superintendent of
3 Education or his or her designee to investigate and prosecute
4 pursuant to Article 21B of this Code, (ii) pursuant to a court
5 order, (iii) for disclosure to the license holder or his or her
6 representative, or (iv) as otherwise provided in this Article
7 and provided that any such information admitted into evidence
8 in a hearing is exempt from this confidentiality and
9 non-disclosure requirement. Except for an act of willful or
10 wanton misconduct, any superintendent who provides
11 notification as required in this subsection (e-5) shall have
12 immunity from any liability, whether civil or criminal or that
13 otherwise might result by reason of such action.

14 (f) After March 19, 1990, the provisions of this Section
15 shall apply to all employees of persons or firms holding
16 contracts with any school district including, but not limited
17 to, food service workers, school bus drivers and other
18 transportation employees, who have direct, daily contact with
19 the pupils of any school in such district. For purposes of
20 criminal history records checks and checks of the Statewide
21 Sex Offender Database on employees of persons or firms holding
22 contracts with more than one school district and assigned to
23 more than one school district, the regional superintendent of
24 the educational service region in which the contracting school
25 districts are located may, at the request of any such school
26 district, be responsible for receiving the authorization for a

1 criminal history records check prepared by each such employee
2 and submitting the same to the Illinois State Police and for
3 conducting a check of the Statewide Sex Offender Database for
4 each employee. Any information concerning the record of
5 conviction and identification as a sex offender of any such
6 employee obtained by the regional superintendent shall be
7 promptly reported to the president of the appropriate school
8 board or school boards.

9 (f-5) Upon request of a school or school district, any
10 information obtained by the school district pursuant to
11 subsection (f) of this Section within the last year must be
12 made available to the requesting school or school district.

13 (g) Prior to the commencement of any student teaching
14 experience or required internship (which is referred to as
15 student teaching in this Section) in the public schools, a
16 student teacher is required to authorize a fingerprint-based
17 criminal history records check. Authorization for and payment
18 of the costs of the check must be furnished by the student
19 teacher to the school district. Upon receipt of this
20 authorization and payment, the school district shall submit
21 the student teacher's name, sex, race, date of birth, social
22 security number, fingerprint images, and other identifiers, as
23 prescribed by the Illinois State Police, to the Illinois State
24 Police. The Illinois State Police and the Federal Bureau of
25 Investigation shall furnish, pursuant to a fingerprint-based
26 criminal history records check, records of convictions,

1 forever and hereinafter, until expunged, to the president of
2 the board. The Illinois State Police shall charge the school
3 district a fee for conducting the check, which fee must not
4 exceed the cost of the inquiry and must be deposited into the
5 State Police Services Fund. The school district shall further
6 perform a check of the Statewide Sex Offender Database, as
7 authorized by the Sex Offender Community Notification Law, and
8 of the Statewide Murderer and Violent Offender Against Youth
9 Database, as authorized by the Murderer and Violent Offender
10 Against Youth Registration Act, for each student teacher. The
11 board may not knowingly allow a person to student teach for
12 whom a criminal history records check, a Statewide Sex
13 Offender Database check, and a Statewide Murderer and Violent
14 Offender Against Youth Database check have not been completed
15 and reviewed by the district.

16 A copy of the record of convictions obtained from the
17 Illinois State Police must be provided to the student teacher.
18 Any information concerning the record of convictions obtained
19 by the president of the board is confidential and may only be
20 transmitted to the general superintendent of schools or his or
21 her designee, the State Superintendent of Education, the State
22 Educator Preparation and Licensure Board, or, for
23 clarification purposes, the Illinois State Police or the
24 Statewide Sex Offender Database or Statewide Murderer and
25 Violent Offender Against Youth Database. Any unauthorized
26 release of confidential information may be a violation of

1 Section 7 of the Criminal Identification Act.

2 The board may not knowingly allow a person to student
3 teach who has been convicted of any offense that would subject
4 him or her to license suspension or revocation pursuant to
5 subsection (c) of Section 21B-80 of this Code, except as
6 provided under subsection (b) of Section 21B-80. Further, the
7 board may not allow a person to student teach if he or she has
8 been found to be the perpetrator of sexual or physical abuse of
9 a minor under 18 years of age pursuant to proceedings under
10 Article II of the Juvenile Court Act of 1987. The board must
11 consider the status of a person to student teach who has been
12 issued an indicated finding of abuse or neglect of a child by
13 the Department of Children and Family Services under the
14 Abused and Neglected Child Reporting Act or by a child welfare
15 agency of another jurisdiction.

16 (h) (Blank).

17 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;
18 101-643, eff. 6-18-20; 102-538, eff. 8-20-21; 102-552, eff.
19 1-1-22; revised 10-18-21.)

20 (105 ILCS 5/34-18.10) (from Ch. 122, par. 34-18.10)

21 Sec. 34-18.10. Minority recruitment policy. The board of
22 education shall, ~~by 1991,~~ develop and implement a policy of
23 recruitment and hiring of minority teachers, other licensed
24 ~~certificated~~ employees, and nonlicensed non-certificated
25 employees, including custodians, lunch room staff, and teacher

1 aides.

2 (Source: P.A. 86-227; 86-1028.)

3 (105 ILCS 5/34-43.1) (from Ch. 122, par. 34-43.1)

4 Sec. 34-43.1. (A) Limitation of noninstructional costs. It
5 is the purpose of this Section to establish for the Board of
6 Education and the general superintendent of schools
7 requirements and standards which maximize the proportion of
8 school district resources in direct support of educational,
9 program, and building maintenance and safety services for the
10 pupils of the district, and which correspondingly minimize the
11 amount and proportion of such resources associated with
12 centralized administration, administrative support services,
13 and other noninstructional services.

14 ~~The For the 1989-90 school year and for all subsequent~~
15 ~~school years, the~~ Board of Education shall undertake budgetary
16 and expenditure control actions which limit the administrative
17 expenditures of the Board of Education to levels, as provided
18 for in this Section, which represent an average of the
19 administrative expenses of all school districts in this State
20 not subject to Article 34.

21 (B) Certification of expenses by the State Superintendent
22 of Education. The State Superintendent of Education shall
23 annually certify, on or before May 1, to the Board of Education
24 ~~and the School Finance Authority,~~ for the applicable school
25 year, the following information:

1 (1) the annual expenditures of all school districts of
2 the State not subject to Article 34 properly attributable
3 to expenditure functions defined by the rules and
4 regulations of the State Board of Education as: 2210
5 (Improvement of Instructional Services); 2300 (Support
6 Services - General Administration) excluding, however,
7 2320 (Executive Administrative Services); 2490 (Other
8 Support Services - School Administration); 2500 (Support
9 Services - Business); 2600 (Support Services - Central);

10 (2) the total annual expenditures of all school
11 districts not subject to Article 34 attributable to the
12 Education Fund, the Operations, Building and Maintenance
13 Fund, the Transportation Fund and the Illinois Municipal
14 Retirement Fund of the several districts, as defined by
15 the rules and regulations of the State Board of Education;
16 and

17 (3) a ratio, to be called the statewide average of
18 administrative expenditures, derived by dividing the
19 expenditures certified pursuant to paragraph (B)(1) by the
20 expenditures certified pursuant to paragraph (B)(2).

21 For purposes of the annual certification of expenditures
22 and ratios required by this Section, the "applicable year" of
23 certification shall initially be the 1986-87 school year and,
24 in sequent years, each succeeding school year.

25 The State Superintendent of Education shall consult with
26 the Board of Education to ascertain whether particular

1 expenditure items allocable to the administrative functions
2 enumerated in paragraph (B)(1) are appropriately or
3 necessarily higher in the applicable school district than in
4 the rest of the State due to noncomparable factors. The State
5 Superintendent shall also review the relevant cost proportions
6 in other large urban school districts. The State
7 Superintendent shall also review the expenditure categories in
8 paragraph (B)(1) to ascertain whether they contain
9 school-level expenses. If he or she finds that adjustments to
10 the formula are appropriate or necessary to establish a more
11 fair and comparable standard for administrative cost for the
12 Board of Education or to exclude school-level expenses, the
13 State Superintendent shall recommend to the Board of Education
14 ~~School Finance Authority rules and regulations adjusting~~
15 ~~particular subcategories in this subsection (B) or~~ adjusting
16 certain costs in determining the budget and expenditure items
17 properly attributable to the functions or otherwise adjust the
18 formula.

19 (C) Administrative expenditure limitations. The annual
20 budget of the Board of Education, as adopted and implemented,
21 and the related annual expenditures for the school year, shall
22 reflect a limitation on administrative outlays as required by
23 the following provisions, taking into account any adjustments
24 established by the State Superintendent of Education: (1) ~~the~~
25 ~~budget and expenditures of the Board of Education for the~~
26 ~~1989-90 school year shall reflect a ratio of administrative~~

1 ~~expenditures to total expenditures equal to or less than the~~
2 ~~statewide average of administrative expenditures for the~~
3 ~~1986-87 school year as certified by the State Superintendent~~
4 ~~of Education pursuant to paragraph (B) (3); (2) for the 1990-91~~
5 ~~school year and for all subsequent school years,~~ the budget
6 and expenditures of the Board of Education shall reflect a
7 ratio of administrative expenditures to total expenditures
8 equal to or less than the statewide average of administrative
9 expenditures certified by the State Superintendent of
10 Education for the applicable year pursuant to paragraph
11 (B) (3); (2) ~~(3)~~ if for any school year the budget of the Board
12 of Education reflects a ratio of administrative expenditures
13 to total expenditures which exceeds the applicable statewide
14 average, the Board of Education shall reduce expenditure items
15 allocable to the administrative functions enumerated in
16 paragraph (B) (1) such that the Board of Education's ratio of
17 administrative expenditures to total expenditures is equal to
18 or less than the applicable statewide average ratio.

19 For purposes of this Section, the ratio of administrative
20 expenditures to the total expenditures of the Board of
21 Education, as applied to the budget of the Board of Education,
22 shall mean: the budgeted expenditure items of the Board of
23 Education properly attributable to the expenditure functions
24 identified in paragraph (B) (1) divided by the total budgeted
25 expenditures of the Board of Education properly attributable
26 to the Board of Education funds corresponding to those funds

1 identified in paragraph (B)(2), exclusive of any monies
2 budgeted for payment to the Public School Teachers' Pension
3 and Retirement System, attributable to payments due from the
4 General Funds of the State of Illinois.

5 ~~The annual expenditure of the Board of Education for 2320~~
6 ~~(Executive Administrative Services) for the 1989-90 school~~
7 ~~year shall be no greater than the 2320 expenditure for the~~
8 ~~1988-89 school year.~~ The annual expenditure of the Board of
9 Education for 2320 ~~for the 1990-91 school year and each~~
10 ~~subsequent school year~~ shall be no greater than the 2320
11 expenditure for the immediately preceding school year or the
12 1988-89 school year, whichever is less. This annual
13 expenditure limitation may be adjusted in each year in an
14 amount not to exceed any change effective during the
15 applicable school year in salary to be paid under the
16 collective bargaining agreement with instructional personnel
17 to which the Board is a party and in benefit costs either
18 required by law or such collective bargaining agreement.

19 (D) Cost control measures. In undertaking actions to
20 control or reduce expenditure items necessitated by the
21 administrative expenditure limitations of this Section, the
22 Board of Education shall give priority consideration to
23 reductions or cost controls with the least effect upon direct
24 services to students or instructional services for pupils, and
25 upon the safety and well-being of pupils, and, as applicable,
26 with the particular costs or functions to which the Board of

1 Education is higher than the statewide average.

2 For purposes of assuring that the cost control priorities
3 of this subsection (D) are met, the State Superintendent of
4 Education shall, with the assistance of the Board of
5 Education, review the cost allocation practices of the Board
6 of Education, ~~and the State Superintendent of Education shall~~
7 ~~thereafter recommend to the School Finance Authority rules and~~
8 ~~regulations which define administrative areas which most~~
9 ~~impact upon the direct and instructional needs of students and~~
10 ~~upon the safety and well being of the pupils of the district.~~
11 No position closed shall be reopened using State or federal
12 categorical funds.

13 (E) Report of Audited Information. The ~~For the 1988-89~~
14 ~~school year and for all subsequent school years,~~ the Board of
15 Education shall file with the State Board of Education the
16 Annual Financial Report and its audit, as required by the
17 rules of the State Board of Education. Such reports shall be
18 filed no later than February 15 following the end of the school
19 year of the Board of Education, ~~beginning with the report to be~~
20 ~~filed no later than February 15, 1990 for the 1988-89 school~~
21 ~~year.~~

22 As part of the required Annual Financial Report, the Board
23 of Education shall provide a detailed accounting of the
24 central level, district, bureau and department costs and
25 personnel included within expenditure functions included in
26 paragraph (B)(1). The nature and detail of the reporting

1 required for these functions shall be prescribed by the State
2 Board of Education in rules and regulations. A copy of this
3 detailed accounting shall also be provided annually to ~~the~~
4 ~~School Finance Authority~~ and the public. This report shall
5 contain a reconciliation to the board of education's adopted
6 budget for that fiscal year, specifically delineating
7 administrative functions.

8 If the information required under this Section is not
9 provided by the Board of Education in a timely manner, or is
10 initially or subsequently determined by the State
11 Superintendent of Education to be incomplete or inaccurate,
12 the State Superintendent shall, in writing, notify the Board
13 of Education of reporting deficiencies. The Board of Education
14 shall, within 60 days of such notice, address the reporting
15 deficiencies identified. If the State Superintendent of
16 Education does not receive satisfactory response to these
17 reporting deficiencies within 60 days, the next payment of
18 ~~general State aid or evidence-based funding due the Board of~~
19 ~~Education under Section 18-8 or Section 18-8.15, as~~
20 ~~applicable,~~ and all subsequent payments, shall be withheld by
21 the State Superintendent of Education until the enumerated
22 deficiencies have been addressed.

23 Utilizing the Annual Financial Report, the State
24 Superintendent of Education shall certify annually on or
25 before May 1 ~~to the School Finance Authority~~ the Board of
26 Education's ratio of administrative expenditures to total

1 expenditures ~~for the 1988-89 school year and for each~~
2 ~~succeeding school year~~. Such certification shall indicate the
3 extent to which the administrative expenditure ratio of the
4 Board of Education conformed to the limitations required in
5 subsection (C) of this Section, taking into account any
6 adjustments of the limitations which may have been recommended
7 by the State Superintendent of Education to the Board of
8 Education ~~School Finance Authority~~. In deriving the
9 administrative expenditure ratio of the Chicago Board of
10 Education, the State Superintendent of Education shall utilize
11 the definition of this ratio prescribed in subsection (C) of
12 this Section, except that the actual expenditures of the Board
13 of Education shall be substituted for budgeted expenditure
14 items.

15 ~~(F) Approval and adjustments to administrative expenditure~~
16 ~~limitations. The School Finance Authority organized under~~
17 ~~Article 34A shall monitor the Board of Education's adherence~~
18 ~~to the requirements of this Section. As part of its~~
19 ~~responsibility the School Finance Authority shall determine~~
20 ~~whether the Board of Education's budget for the next school~~
21 ~~year, and the expenditures for a prior school year, comply~~
22 ~~with the limitation of administrative expenditures required by~~
23 ~~this Section. The Board of Education and the State Board of~~
24 ~~Education shall provide such information as is required by the~~
25 ~~School Finance Authority in order for the Authority to~~
26 ~~determine compliance with the provisions of this Section. If~~

1 ~~the Authority determines that the budget proposed by the Board~~
2 ~~of Education does not meet the cost control requirements of~~
3 ~~this Section, the Board of Education shall undertake budgetary~~
4 ~~reductions, consistent with the requirements of this Section,~~
5 ~~to bring the proposed budget into compliance with such cost~~
6 ~~control limitations.~~

7 ~~If, in formulating cost control and cost reduction~~
8 ~~alternatives, the Board of Education believes that meeting the~~
9 ~~cost control requirements of this Section related to the~~
10 ~~budget for the ensuing year would impair the education,~~
11 ~~safety, or well-being of the pupils of the school district,~~
12 ~~the Board of Education may request that the School Finance~~
13 ~~Authority make adjustments to the limitations required by this~~
14 ~~Section. The Board of Education shall specify the amount,~~
15 ~~nature, and reasons for the relief required and shall also~~
16 ~~identify cost reductions which can be made in expenditure~~
17 ~~functions not enumerated in paragraph (B)(1), which would~~
18 ~~serve the purposes of this Section.~~

19 ~~The School Finance Authority shall consult with the State~~
20 ~~Superintendent of Education concerning the reasonableness from~~
21 ~~an educational administration perspective of the adjustments~~
22 ~~sought by the Board of Education. The School Finance Authority~~
23 ~~shall provide an opportunity for the public to comment upon~~
24 ~~the reasonableness of the Board's request. If, after such~~
25 ~~consultation, the School Finance Authority determines that all~~
26 ~~or a portion of the adjustments sought by the Board of~~

1 ~~Education are reasonably appropriate or necessary, the~~
2 ~~Authority may grant such relief from the provisions of this~~
3 ~~Section which the Authority deems appropriate. Adjustments so~~
4 ~~granted apply only to the specific school year for which the~~
5 ~~request was made.~~

6 ~~In the event that the School Finance Authority determines~~
7 ~~that the Board of Education has failed to achieve the required~~
8 ~~administrative expenditure limitations for a prior school~~
9 ~~year, or if the Authority determines that the Board of~~
10 ~~Education has not met the requirements of subsection (F), the~~
11 ~~Authority shall make recommendations to the Board of Education~~
12 ~~concerning appropriate corrective actions. If the Board of~~
13 ~~Education fails to provide adequate assurance to the Authority~~
14 ~~that appropriate corrective actions have been or will be~~
15 ~~taken, the Authority may, within 60 days thereafter, require~~
16 ~~the board to adjust its current budget to correct for the prior~~
17 ~~year's shortage or may recommend to the members of the General~~
18 ~~Assembly and the Governor such sanctions or remedial actions~~
19 ~~as will serve to deter any further such failures on the part of~~
20 ~~the Board of Education.~~

21 ~~To assist the Authority in its monitoring~~
22 ~~responsibilities, the Board of Education shall provide such~~
23 ~~reports and information as are from time to time required by~~
24 ~~the Authority.~~

25 ~~(G) Independent reviews of administrative expenditures.~~
26 ~~The School Finance Authority may direct independent reviews of~~

1 ~~the administrative and administrative support expenditures and~~
2 ~~services and other non-instructional expenditure functions of~~
3 ~~the Board of Education. The Board of Education shall afford~~
4 ~~full cooperation to the School Finance Authority in such~~
5 ~~review activity. The purpose of such reviews shall be to~~
6 ~~verify specific targets for improved operating efficiencies of~~
7 ~~the Board of Education, to identify other areas of potential~~
8 ~~efficiencies, and to assure full and proper compliance by the~~
9 ~~Board of Education with all requirements of this Section.~~

10 ~~In the conduct of reviews under this subsection, the~~
11 ~~Authority may request the assistance and consultation of the~~
12 ~~State Superintendent of Education with regard to questions of~~
13 ~~efficiency and effectiveness in educational administration.~~

14 ~~(H) Reports to Governor and General Assembly. On or before~~
15 ~~May 1, 1991 and no less frequently than yearly thereafter, the~~
16 ~~School Finance Authority shall provide to the Governor, the~~
17 ~~State Board of Education, and the members of the General~~
18 ~~Assembly an annual report, as outlined in Section 34A 606,~~
19 ~~which includes the following information: (1) documenting the~~
20 ~~compliance or non-compliance of the Board of Education with~~
21 ~~the requirements of this Section; (2) summarizing the costs,~~
22 ~~findings, and recommendations of any reviews directed by the~~
23 ~~School Finance Authority, and the response to such~~
24 ~~recommendations made by the Board of Education; and (3)~~
25 ~~recommending sanctions or legislation necessary to fulfill the~~
26 ~~intent of this Section.~~

1 (Source: P.A. 100-465, eff. 8-31-17.)

2 (105 ILCS 5/Art. 1F rep.)

3 (105 ILCS 5/2-3.33a rep.)

4 (105 ILCS 5/2-3.123 rep.)

5 (105 ILCS 5/2-3.128 rep.)

6 (105 ILCS 5/2-3.171 rep.)

7 (105 ILCS 5/2-3.172 rep.)

8 (105 ILCS 5/17-11.2 rep.)

9 (105 ILCS 5/18-8.10 rep.)

10 (105 ILCS 5/21-5e rep.)

11 (105 ILCS 5/34-83 rep.)

12 Section 25. The School Code is amended by repealing
13 Article 1F and Sections 2-3.33a, 2-3.123, 2-3.128, 2-3.171,
14 2-3.172, 17-11.2, 18-8.10, 21-5e, and 34-83.

15 Section 30. The School Safety Drill Act is amended by
16 changing Sections 5 and 45 as follows:

17 (105 ILCS 128/5)

18 Sec. 5. Definitions. In this Act:

19 "First responder" means and includes all fire departments
20 and districts, law enforcement agencies and officials,
21 emergency medical responders, and emergency management
22 officials involved in the execution and documentation of the
23 drills administered under this Act.

1 "School" means a public or private facility that offers
2 elementary or secondary education to students under the age of
3 21, a charter school authorized by the State Board of
4 Education, or a special education cooperative. As used in this
5 definition, "public facility" means a facility operated by the
6 State or by a unit of local government. As used in this
7 definition, "private facility" means any non-profit,
8 non-home-based, non-public elementary or secondary school that
9 is in compliance with Title VI of the Civil Rights Act of 1964
10 and attendance at which satisfies the requirements of Section
11 26-1 of the School Code. While more than one school may be
12 housed in a facility, for purposes of this Act, the facility
13 shall be considered a school. When a school has more than one
14 location, for purposes of this Act, each different location
15 shall be considered its own school.

16 "School safety drill" means a pre-planned exercise
17 conducted by a school in accordance with the drills and
18 requirements set forth in this Act.

19 (Source: P.A. 94-600, eff. 8-16-05.)

20 (105 ILCS 128/45)

21 Sec. 45. Threat assessment procedure.

22 (a) Each school district must implement a threat
23 assessment procedure that may be part of a school board policy
24 on targeted school violence prevention. The procedure must
25 include the creation of a threat assessment team. The team

1 must include all of the following members:

2 (1) An administrator employed by the school district
3 or a special education cooperative that serves the school
4 district and is available to serve.

5 (2) A teacher employed by the school district or a
6 special education cooperative that serves the school
7 district and is available to serve.

8 (3) A school counselor employed by the school district
9 or a special education cooperative that serves the school
10 district and is available to serve.

11 (4) A school psychologist employed by the school
12 district or a special education cooperative that serves
13 the school district and is available to serve.

14 (5) A school social worker employed by the school
15 district or a special education cooperative that serves
16 the school district and is available to serve.

17 (6) At least one law enforcement official.

18 If a school district is unable to establish a threat
19 assessment team with school district staff and resources, it
20 may utilize a regional behavioral threat assessment and
21 intervention team that includes mental health professionals
22 and representatives from the State, county, and local law
23 enforcement agencies.

24 (b) A school district shall establish the threat
25 assessment team under this Section no later than 180 days
26 after the effective date of this amendatory Act of the 101st

1 General Assembly and must implement an initial threat
2 assessment procedure no later than 120 days after the
3 effective date of this amendatory Act of the 101st General
4 Assembly.

5 (c) Any sharing of student information under this Section
6 must comply with the federal Family Educational Rights and
7 Privacy Act of 1974 and the Illinois School Student Records
8 Act.

9 (d) A charter school must follow the threat assessment
10 procedures implemented by its authorizing school district or
11 must implement its own threat assessment procedure that
12 complies with this Section.

13 (Source: P.A. 101-455, eff. 8-23-19.)

14 Section 35. The College and Career Success for All
15 Students Act is amended by changing Section 25 as follows:

16 (105 ILCS 302/25)

17 Sec. 25. AP exam fee reduction ~~waiver~~ program. Subject to
18 appropriation, the State Board of Education shall create,
19 under the College and Career Success for All Students program
20 set forth in this Act, a program in public schools where any
21 student who qualifies for free or reduced-price lunches will
22 have fees charged by the College Board for Advanced Placement
23 exams reduced, via State subsidy, to the greatest extent
24 possible based on the appropriation.

1 (Source: P.A. 102-16, eff. 6-17-21.)

2 Section 40. The Illinois Educational Labor Relations Act
3 is amended by changing Section 2 as follows:

4 (115 ILCS 5/2) (from Ch. 48, par. 1702)

5 Sec. 2. Definitions. As used in this Act:

6 (a) "Educational employer" or "employer" means the
7 governing body of a public school district, including the
8 governing body of a charter school established under Article
9 27A of the School Code or of a contract school or contract
10 turnaround school established under paragraph 30 of Section
11 34-18 of the School Code, combination of public school
12 districts, including the governing body of joint agreements of
13 any type formed by 2 or more school districts, public
14 community college district or State college or university, a
15 subcontractor of instructional services of a school district
16 (other than a school district organized under Article 34 of
17 the School Code), combination of school districts, charter
18 school established under Article 27A of the School Code, or
19 contract school or contract turnaround school established
20 under paragraph 30 of Section 34-18 of the School Code, an
21 Independent Authority created under Section 2-3.25f-5 of the
22 School Code, and any State agency whose major function is
23 providing educational services. "Educational employer" or
24 "employer" does not include (1) a Financial Oversight Panel

1 created pursuant to Section 1A-8 of the School Code due to a
2 district violating a financial plan or (2) an approved
3 nonpublic special education facility that contracts with a
4 school district or combination of school districts to provide
5 special education services pursuant to Section 14-7.02 of the
6 School Code, but does include a School Finance Authority
7 created under Article 1E ~~or 1F~~ of the School Code and a
8 Financial Oversight Panel created under Article 1B or 1H of
9 the School Code. The change made by this amendatory Act of the
10 96th General Assembly to this paragraph (a) to make clear that
11 the governing body of a charter school is an "educational
12 employer" is declaratory of existing law.

13 (b) "Educational employee" or "employee" means any
14 individual, excluding supervisors, managerial, confidential,
15 short term employees, student, and part-time academic
16 employees of community colleges employed full or part time by
17 an educational employer, but shall not include elected
18 officials and appointees of the Governor with the advice and
19 consent of the Senate, firefighters as defined by subsection
20 (g-1) of Section 3 of the Illinois Public Labor Relations Act,
21 and peace officers employed by a State university. For the
22 purposes of this Act, part-time academic employees of
23 community colleges shall be defined as those employees who
24 provide less than 3 credit hours of instruction per academic
25 semester. In this subsection (b), the term "student" does not
26 include graduate students who are research assistants

1 primarily performing duties that involve research, graduate
2 assistants primarily performing duties that are
3 pre-professional, graduate students who are teaching
4 assistants primarily performing duties that involve the
5 delivery and support of instruction, or any other graduate
6 assistants.

7 (c) "Employee organization" or "labor organization" means
8 an organization of any kind in which membership includes
9 educational employees, and which exists for the purpose, in
10 whole or in part, of dealing with employers concerning
11 grievances, employee-employer disputes, wages, rates of pay,
12 hours of employment, or conditions of work, but shall not
13 include any organization which practices discrimination in
14 membership because of race, color, creed, age, gender,
15 national origin or political affiliation.

16 (d) "Exclusive representative" means the labor
17 organization which has been designated by the Illinois
18 Educational Labor Relations Board as the representative of the
19 majority of educational employees in an appropriate unit, or
20 recognized by an educational employer prior to January 1, 1984
21 as the exclusive representative of the employees in an
22 appropriate unit or, after January 1, 1984, recognized by an
23 employer upon evidence that the employee organization has been
24 designated as the exclusive representative by a majority of
25 the employees in an appropriate unit.

26 (e) "Board" means the Illinois Educational Labor Relations

1 Board.

2 (f) "Regional Superintendent" means the regional
3 superintendent of schools provided for in Articles 3 and 3A of
4 The School Code.

5 (g) "Supervisor" means any individual having authority in
6 the interests of the employer to hire, transfer, suspend, lay
7 off, recall, promote, discharge, reward or discipline other
8 employees within the appropriate bargaining unit and adjust
9 their grievances, or to effectively recommend such action if
10 the exercise of such authority is not of a merely routine or
11 clerical nature but requires the use of independent judgment.
12 The term "supervisor" includes only those individuals who
13 devote a preponderance of their employment time to such
14 exercising authority.

15 (h) "Unfair labor practice" or "unfair practice" means any
16 practice prohibited by Section 14 of this Act.

17 (i) "Person" includes an individual, educational employee,
18 educational employer, legal representative, or employee
19 organization.

20 (j) "Wages" means salaries or other forms of compensation
21 for services rendered.

22 (k) "Professional employee" means, in the case of a public
23 community college, State college or university, State agency
24 whose major function is providing educational services, the
25 Illinois School for the Deaf, and the Illinois School for the
26 Visually Impaired, (1) any employee engaged in work (i)

1 predominantly intellectual and varied in character as opposed
2 to routine mental, manual, mechanical, or physical work; (ii)
3 involving the consistent exercise of discretion and judgment
4 in its performance; (iii) of such character that the output
5 produced or the result accomplished cannot be standardized in
6 relation to a given period of time; and (iv) requiring
7 knowledge of an advanced type in a field of science or learning
8 customarily acquired by a prolonged course of specialized
9 intellectual instruction and study in an institution of higher
10 learning or a hospital, as distinguished from a general
11 academic education or from an apprenticeship or from training
12 in the performance of routine mental, manual, or physical
13 processes; or (2) any employee, who (i) has completed the
14 courses of specialized intellectual instruction and study
15 described in clause (iv) of paragraph (1) of this subsection,
16 and (ii) is performing related work under the supervision of a
17 professional person to qualify himself or herself to become a
18 professional as defined in paragraph (1).

19 (l) "Professional employee" means, in the case of any
20 public school district, or combination of school districts
21 pursuant to joint agreement, any employee who has a license
22 ~~certificate~~ issued under Article 21B ~~21~~ ~~or Section 34-83~~ of
23 the School Code, ~~as now or hereafter amended~~.

24 (m) "Unit" or "bargaining unit" means any group of
25 employees for which an exclusive representative is selected.

26 (n) "Confidential employee" means an employee, who (i) in

1 the regular course of his or her duties, assists and acts in a
2 confidential capacity to persons who formulate, determine and
3 effectuate management policies with regard to labor relations
4 or who (ii) in the regular course of his or her duties has
5 access to information relating to the effectuation or review
6 of the employer's collective bargaining policies.

7 (o) "Managerial employee" means an individual who is
8 engaged predominantly in executive and management functions
9 and is charged with the responsibility of directing the
10 effectuation of such management policies and practices.

11 (p) "Craft employee" means a skilled journeyman, craft
12 person, and his or her apprentice or helper.

13 (q) "Short-term employee" is an employee who is employed
14 for less than 2 consecutive calendar quarters during a
15 calendar year and who does not have a reasonable expectation
16 that he or she will be rehired by the same employer for the
17 same service in a subsequent calendar year. Nothing in this
18 subsection shall affect the employee status of individuals who
19 were covered by a collective bargaining agreement on the
20 effective date of this amendatory Act of 1991.

21 (Source: P.A. 101-380, eff. 1-1-20.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.

1 INDEX
2 Statutes amended in order of appearance

3 P.A. 102-466, Sec. 99
4 35 ILCS 200/18-50.1
5 35 ILCS 200/18-241
6 40 ILCS 5/17-130 from Ch. 108 1/2, par. 17-130
7 105 ILCS 5/1A-4 from Ch. 122, par. 1A-4
8 105 ILCS 5/1B-6 from Ch. 122, par. 1B-6
9 105 ILCS 5/1B-7.10
10 105 ILCS 5/1B-8 from Ch. 122, par. 1B-8
11 105 ILCS 5/1E-35
12 105 ILCS 5/1E-40
13 105 ILCS 5/1H-30
14 105 ILCS 5/2-3.9 from Ch. 122, par. 2-3.9
15 105 ILCS 5/2-3.11d
16 105 ILCS 5/2-3.25i from Ch. 122, par. 2-3.25i
17 105 ILCS 5/2-3.103 from Ch. 122, par. 2-3.103
18 105 ILCS 5/2-3.146
19 105 ILCS 5/10-21.7 from Ch. 122, par. 10-21.7
20 105 ILCS 5/10-21.9 from Ch. 122, par. 10-21.9
21 105 ILCS 5/10-22.18 from Ch. 122, par. 10-22.18
22 105 ILCS 5/10-22.23 from Ch. 122, par. 10-22.23
23 105 ILCS 5/10-22.23a from Ch. 122, par. 10-22.23a
24 105 ILCS 5/10-22.24a from Ch. 122, par. 10-22.24a
25 105 ILCS 5/10-22.34 from Ch. 122, par. 10-22.34

1	105 ILCS 5/10-22.34a	from Ch. 122, par. 10-22.34a
2	105 ILCS 5/10-22.34b	from Ch. 122, par. 10-22.34b
3	105 ILCS 5/10-29	
4	105 ILCS 5/13B-25.20	
5	105 ILCS 5/13B-65	
6	105 ILCS 5/13B-65.5	
7	105 ILCS 5/14-1.09b	
8	105 ILCS 5/14-1.09.1	
9	105 ILCS 5/14-1.09.2	
10	105 ILCS 5/14-6.04	
11	105 ILCS 5/14-7.05	
12	105 ILCS 5/14-8.02d	
13	105 ILCS 5/14-9.01	from Ch. 122, par. 14-9.01
14	105 ILCS 5/14-17	
15	105 ILCS 5/18-8.15	
16	105 ILCS 5/21B-20	
17	105 ILCS 5/22-81	
18	105 ILCS 5/27-23.12	
19	105 ILCS 5/34-1.1	from Ch. 122, par. 34-1.1
20	105 ILCS 5/34-2.3	from Ch. 122, par. 34-2.3
21	105 ILCS 5/34-2.4a	from Ch. 122, par. 34-2.4a
22	105 ILCS 5/34-8.1	from Ch. 122, par. 34-8.1
23	105 ILCS 5/34-18	from Ch. 122, par. 34-18
24	105 ILCS 5/34-18.5	from Ch. 122, par. 34-18.5
25	105 ILCS 5/34-18.10	from Ch. 122, par. 34-18.10
26	105 ILCS 5/34-43.1	from Ch. 122, par. 34-43.1

- 1 105 ILCS 5/Art. 1F rep.
- 2 105 ILCS 5/2-3.33a rep.
- 3 105 ILCS 5/2-3.123 rep.
- 4 105 ILCS 5/2-3.128 rep.
- 5 105 ILCS 5/2-3.171 rep.
- 6 105 ILCS 5/2-3.172 rep.
- 7 105 ILCS 5/17-11.2 rep.
- 8 105 ILCS 5/18-8.10 rep.
- 9 105 ILCS 5/21-5e rep.
- 10 105 ILCS 5/34-83 rep.
- 11 105 ILCS 128/5
- 12 105 ILCS 128/45
- 13 105 ILCS 302/25
- 14 115 ILCS 5/2

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