



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB1009

Introduced 1/12/2023, by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

New Act

105 ILCS 5/10-17a

from Ch. 122, par. 10-17a

105 ILCS 5/34-18.24

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

LRB103 04838 RJT 49848 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 1. Short title. This Act may be cited as the Lead
5 in Schools Reporting Act.

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

7 "Department" means the Department of Public Health.

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

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

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

6 Section 90. The School Code is amended by changing
7 Sections 10-17a and 34-18.24 as follows:

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

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

11 (1) By October 31, 2013 and October 31 of each subsequent
12 school year, the State Board of Education, through the State
13 Superintendent of Education, shall prepare a State report
14 card, school district report cards, and school report cards,
15 and shall by the most economical means provide to each school
16 district in this State, including special charter districts
17 and districts subject to the provisions of Article 34, the
18 report cards for the school district and each of its schools.
19 Because of the impacts of the COVID-19 public health emergency
20 during school year 2020-2021, the State Board of Education
21 shall have until December 31, 2021 to prepare and provide the
22 report cards that would otherwise be due by October 31, 2021.
23 During a school year in which the Governor has declared a
24 disaster due to a public health emergency pursuant to Section

1 7 of the Illinois Emergency Management Agency Act, the report
2 cards for the school districts and each of its schools shall be
3 prepared by December 31.

4 (2) In addition to any information required by federal
5 law, the State Superintendent shall determine the indicators
6 and presentation of the school report card, which must
7 include, at a minimum, the most current data collected and
8 maintained by the State Board of Education related to the
9 following:

10 (A) school characteristics and student demographics,
11 including average class size, average teaching experience,
12 student racial/ethnic breakdown, and the percentage of
13 students classified as low-income; the percentage of
14 students classified as English learners, the number of
15 students who graduate from a bilingual or English learner
16 program, and the number of students who graduate from,
17 transfer from, or otherwise leave bilingual programs; the
18 percentage of students who have individualized education
19 plans or 504 plans that provide for special education
20 services; the number and percentage of all students who
21 have been assessed for placement in a gifted education or
22 advanced academic program and, of those students: (i) the
23 racial and ethnic breakdown, (ii) the percentage who are
24 classified as low-income, and (iii) the number and
25 percentage of students who received direct instruction
26 from a teacher who holds a gifted education endorsement

1 and, of those students, the percentage who are classified
2 as low-income; the percentage of students scoring at the
3 "exceeds expectations" level on the assessments required
4 under Section 2-3.64a-5 of this Code; the percentage of
5 students who annually transferred in or out of the school
6 district; average daily attendance; the per-pupil
7 operating expenditure of the school district; and the
8 per-pupil State average operating expenditure for the
9 district type (elementary, high school, or unit);

10 (B) curriculum information, including, where
11 applicable, Advanced Placement, International
12 Baccalaureate or equivalent courses, dual enrollment
13 courses, foreign language classes, computer science
14 courses, school personnel resources (including Career
15 Technical Education teachers), before and after school
16 programs, extracurricular activities, subjects in which
17 elective classes are offered, health and wellness
18 initiatives (including the average number of days of
19 Physical Education per week per student), approved
20 programs of study, awards received, community
21 partnerships, and special programs such as programming for
22 the gifted and talented, students with disabilities, and
23 work-study students;

24 (C) student outcomes, including, where applicable, the
25 percentage of students deemed proficient on assessments of
26 State standards, the percentage of students in the eighth

1 grade who pass Algebra, the percentage of students who
2 participated in workplace learning experiences, the
3 percentage of students enrolled in post-secondary
4 institutions (including colleges, universities, community
5 colleges, trade/vocational schools, and training programs
6 leading to career certification within 2 semesters of high
7 school graduation), the percentage of students graduating
8 from high school who are college and career ready, and the
9 percentage of graduates enrolled in community colleges,
10 colleges, and universities who are in one or more courses
11 that the community college, college, or university
12 identifies as a developmental course;

13 (D) student progress, including, where applicable, the
14 percentage of students in the ninth grade who have earned
15 5 credits or more without failing more than one core
16 class, a measure of students entering kindergarten ready
17 to learn, a measure of growth, and the percentage of
18 students who enter high school on track for college and
19 career readiness;

20 (E) the school environment, including, where
21 applicable, high school dropout rate by grade level, the
22 percentage of students with less than 10 absences in a
23 school year, the percentage of teachers with less than 10
24 absences in a school year for reasons other than
25 professional development, leaves taken pursuant to the
26 federal Family Medical Leave Act of 1993, long-term

1 disability, or parental leaves, the 3-year average of the
2 percentage of teachers returning to the school from the
3 previous year, the number of different principals at the
4 school in the last 6 years, the number of teachers who hold
5 a gifted education endorsement, the process and criteria
6 used by the district to determine whether a student is
7 eligible for participation in a gifted education program
8 or advanced academic program and the manner in which
9 parents and guardians are made aware of the process and
10 criteria, the number of teachers who are National Board
11 Certified Teachers, disaggregated by race and ethnicity, 2
12 or more indicators from any school climate survey selected
13 or approved by the State and administered pursuant to
14 Section 2-3.153 of this Code, with the same or similar
15 indicators included on school report cards for all surveys
16 selected or approved by the State pursuant to Section
17 2-3.153 of this Code, the combined percentage of teachers
18 rated as proficient or excellent in their most recent
19 evaluation, and, beginning with the 2022-2023 school year,
20 data on the number of incidents of violence that occurred
21 on school grounds or during school-related activities and
22 that resulted in an out-of-school suspension, expulsion,
23 or removal to an alternative setting, as reported pursuant
24 to Section 2-3.162;

25 (F) a school district's and its individual schools'
26 balanced accountability measure, in accordance with

1 Section 2-3.25a of this Code;

2 (G) the total and per pupil normal cost amount the
3 State contributed to the Teachers' Retirement System of
4 the State of Illinois in the prior fiscal year for the
5 school's employees, which shall be reported to the State
6 Board of Education by the Teachers' Retirement System of
7 the State of Illinois;

8 (H) for a school district organized under Article 34
9 of this Code only, State contributions to the Public
10 School Teachers' Pension and Retirement Fund of Chicago
11 and State contributions for health care for employees of
12 that school district;

13 (I) a school district's Final Percent of Adequacy, as
14 defined in paragraph (4) of subsection (f) of Section
15 18-8.15 of this Code;

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

19 (K) a school district's Real Receipts, as defined in
20 paragraph (1) of subsection (d) of Section 18-8.15 of this
21 Code, divided by a school district's Adequacy Target, as
22 defined in paragraph (1) of subsection (b) of Section
23 18-8.15 of this Code, displayed as a percentage amount;

24 (L) a school district's administrative costs;

25 (M) whether or not the school has participated in the
26 Illinois Youth Survey. In this paragraph (M), "Illinois

1 Youth Survey" means a self-report survey, administered in
2 school settings every 2 years, designed to gather
3 information about health and social indicators, including
4 substance abuse patterns and the attitudes of students in
5 grades 8, 10, and 12; ~~and~~

6 (N) whether the school offered its students career and
7 technical education opportunities; ~~and-~~

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

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

20 As used in this subsection (2):

21 "Administrative costs" means costs associated with
22 executive, administrative, or managerial functions within the
23 school district that involve planning, organizing, managing,
24 or directing the school district.

25 "Advanced academic program" means a course of study to
26 which students are assigned based on advanced cognitive

1 ability or advanced academic achievement compared to local age
2 peers and in which the curriculum is substantially
3 differentiated from the general curriculum to provide
4 appropriate challenge and pace.

5 "Computer science" means the study of computers and
6 algorithms, including their principles, their hardware and
7 software designs, their implementation, and their impact on
8 society. "Computer science" does not include the study of
9 everyday uses of computers and computer applications, such as
10 keyboarding or accessing the Internet.

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

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

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

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

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

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

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

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

12 (Source: P.A. 101-68, eff. 1-1-20; 101-81, eff. 7-12-19;
13 101-654, eff. 3-8-21; 102-16, eff. 6-17-21; 102-294, eff.
14 1-1-22; 102-539, eff. 8-20-21; 102-558, eff. 8-20-21; 102-594,
15 eff. 7-1-22; 102-813, eff. 5-13-22.)

16 (105 ILCS 5/34-18.24)

17 (Text of Section before amendment by P.A. 102-466)

18 Sec. 34-18.24. Transfer of students.

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

1 unless approved by the board on an individual basis:

2 (1) An attendance center that exceeds or as a result
3 of the transfer would exceed its attendance capacity.

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

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

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

22 (1) Have greater than 3% of the students enrolled in
23 the attendance center expelled for violence-related
24 conduct.

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

1 (3) Have at least 3% of the students enrolled in the
2 attendance center exercise the individual option to
3 transfer attendance centers pursuant to subsection (c) of
4 this Section.

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

11 (d) (Blank).

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

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

17 (Text of Section after amendment by P.A. 102-466)

18 Sec. 34-18.24. Transfer of students.

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

1 unless approved by the board on an individual basis:

2 (1) An attendance center that exceeds or as a result
3 of the transfer would exceed its attendance capacity.

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

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

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

22 (1) Have greater than 3% of the students enrolled in
23 the attendance center expelled for violence-related
24 conduct.

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

1 (3) Have at least 3% of the students enrolled in the
2 attendance center exercise the individual option to
3 transfer attendance centers pursuant to subsection (c) of
4 this Section.

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

11 (d) (Blank).

12 (e) Notwithstanding any other provision of this Code, a
13 student who is a victim of domestic or sexual violence, as
14 defined in Article 26A, must be allowed to transfer to another
15 school immediately and as needed if the student's continued
16 attendance at a particular attendance center, school facility,
17 or school location poses a risk to the student's mental or
18 physical well-being or safety. A student who transfers to
19 another school under this subsection (e) due to domestic or
20 sexual violence must have full and immediate access to
21 extracurricular activities and any programs or activities
22 offered by or under the auspices of the school to which the
23 student has transferred. The school district may not require a
24 student who is a victim of domestic or sexual violence to
25 transfer to another school. No adverse or prejudicial effects
26 may result to any student who is a victim of domestic or sexual

1 violence because of the student availing himself or herself of
2 or declining the provisions of this subsection (e). The school
3 district may require a student to verify his or her claim of
4 domestic or sexual violence under Section 26A-45 before
5 approving a transfer to another school under this subsection
6 (e).

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

11 (Source: P.A. 102-466, eff. 7-1-25.)

12 Section 95. No acceleration or delay. Where this Act makes
13 changes in a statute that is represented in this Act by text
14 that is not yet or no longer in effect (for example, a Section
15 represented by multiple versions), the use of that text does
16 not accelerate or delay the taking effect of (i) the changes
17 made by this Act or (ii) provisions derived from any other
18 Public Act.