



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**

Introduced 02/09/04, by Rosemary Mulligan

**SYNOPSIS AS INTRODUCED:**

105 ILCS 5/1A-4

from Ch. 122, par. 1A-4

Amends the School Code. Makes a technical change in a Section concerning the powers and duties of the State Board of Education.

LRB093 19452 NHT 45190 b

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section  
5 1A-4 as follows:

6 (105 ILCS 5/1A-4) (from Ch. 122, par. 1A-4)

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

8 A. Upon the appointment of new Board members as provided in  
9 subsection (b) of Section 1A-1 of this Code and every 2 years  
10 thereafter, the chairperson of the Board shall be selected by  
11 the Governor, with the advice and consent of the Senate, from  
12 the membership of the Board to serve as chairperson for 2  
13 years.

14 B. The Board shall determine the qualifications of and  
15 appoint a chief education officer to be known as the State  
16 Superintendent of Education who shall serve at the pleasure of  
17 the Board and pursuant to a performance-based contract linked  
18 to statewide student performance and academic improvement  
19 within Illinois schools. No performance-based contract issued  
20 for the employment of the State Superintendent of Education  
21 shall be for a term longer than 3 years and no contract shall  
22 be extended or renewed prior to its scheduled expiration unless  
23 the performance and improvement goals contained in the contract  
24 have been met. The State Superintendent of Education shall not  
25 serve as a member of the State Board of Education. The Board  
26 shall set the compensation of the State Superintendent of  
27 Education who shall serve as the Board's chief executive  
28 officer. The Board shall also establish the duties, powers and  
29 responsibilities of the State Superintendent, which shall be  
30 included in the State Superintendent's performance-based  
31 contract along with the goals and indicators of student  
32 performance and academic improvement used to measure the

1 performance and effectiveness of the State Superintendent. The  
2 State Board of Education may delegate to the State  
3 Superintendent of Education the authority to act on the Board's  
4 behalf, provided such delegation is made pursuant to adopted  
5 board policy or the powers delegated are ministerial in nature.  
6 The State Board may not delegate authority under this Section  
7 to the State Superintendent to (1) nonrecognize school  
8 districts, (2) withhold State payments as a penalty, or (3)  
9 make final decisions under the contested case provisions of the  
10 Illinois Administrative Procedure Act unless otherwise  
11 provided by law.

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

29 D. Two members of the Board shall be appointed by the  
30 chairperson to serve on a standing joint Education Committee, 2  
31 others shall be appointed from the Board of Higher Education, 2  
32 others shall be appointed by the chairperson of the Illinois  
33 Community College Board, and 2 others shall be appointed by the  
34 chairperson of the Human Resource Investment Council. The  
35 Committee shall be responsible for making recommendations  
36 concerning the submission of any workforce development plan or

1 workforce training program required by federal law or under any  
2 block grant authority. The Committee will be responsible for  
3 developing policy on matters of mutual concern to elementary,  
4 secondary and higher education such as Occupational and Career  
5 Education, Teacher Preparation and Certification, Educational  
6 Finance, Articulation between Elementary, Secondary and Higher  
7 Education and Research and Planning. The joint Education  
8 Committee shall meet at least quarterly and submit an annual  
9 report of its findings, conclusions, and recommendations to the  
10 State Board of Education, the Board of Higher Education, the  
11 Illinois Community College Board, the Human Resource  
12 Investment Council, the Governor, and the General Assembly. All  
13 meetings of this Committee shall be official meetings for  
14 reimbursement under this Act.

15 E. Five members of the Board shall constitute a quorum. A  
16 majority vote of the members appointed, confirmed and serving  
17 on the Board is required to approve any action.

18 The Board shall prepare and submit to the General Assembly  
19 and the Governor on or before January 14, 1976 and annually  
20 thereafter a report or reports of its findings and  
21 recommendations. Such annual report shall contain a separate  
22 section which provides a critique and analysis of the status of  
23 education in Illinois and which identifies its specific  
24 problems and recommends express solutions therefor. Such  
25 annual report also shall contain the following information for  
26 the preceding year ending on June 30: each act or omission of a  
27 school district of which the State Board of Education has  
28 knowledge as a consequence of scheduled, approved visits and  
29 which constituted a failure by the district to comply with  
30 applicable State or federal laws or regulations relating to  
31 public education, the name of such district, the date or dates  
32 on which the State Board of Education notified the school  
33 district of such act or omission, and what action, if any, the  
34 school district took with respect thereto after being notified  
35 thereof by the State Board of Education. The report shall also  
36 include the statewide high school dropout rate by grade level,

1 sex and race and the annual student dropout rate of and the  
2 number of students who graduate from, transfer from or  
3 otherwise leave bilingual programs. The Auditor General shall  
4 annually perform a compliance audit of the State Board of  
5 Education's performance of the reporting duty imposed by this  
6 amendatory Act of 1986. A regular system of communication with  
7 other directly related State agencies shall be implemented.

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

18 (Source: P.A. 89-430, eff. 12-15-95; 89-610, eff. 8-6-96;  
19 89-698, eff. 1-14-97; 90-548, eff. 1-1-98.)