



Sen. Miguel del Valle

Filed: 5/13/2004

09300SB3000sam003

LRB093 19896 RLC 51028 a

1 AMENDMENT TO SENATE BILL 3000

2 AMENDMENT NO. _____. Amend Senate Bill 3000 by replacing
3 the title with the following:

4 "AN ACT concerning education, which may be referred to as
5 the Education Reform and Accountability Act of 2004."; and

6 by replacing the everything after the enacting clause with the
7 following:

8 "Section 1. Short title. This Act may be cited as the
9 School Employee Benefit Act.

10 Section 5. Purpose. The purpose of this Act is to require
11 the Department of Central Management Services to establish and
12 administer a school employee benefit program that will enable
13 eligible school employees access to affordable health care.

14 Section 10. Definitions.

15 "Annuitant" means a retired school district employee
16 entitled to receive retirement benefits, as defined by the
17 school district.

18 "Department" means the Department of Central Management
19 Services.

20 "Dependent" means a school district employee's dependent
21 as defined by the school district.

22 "Director" means the Director of Central Management

1 Services.

2 "Employee" means a school district employee who is entitled
3 to benefits as defined by the school district.

4 "Rules" includes rules adopted and forms prescribed by the
5 Department.

6 "School district" means a public school district in this
7 State.

8 Section 15. Prescription drug benefits; contract.

9 (a) The Director shall, by contract, self-insurance, or
10 otherwise, make available a voluntary program of prescription
11 drug benefits for school districts under Section 15 of this
12 Act. The contract or other arrangement for the provision of the
13 prescription drug benefits shall be on terms deemed by the
14 Director to be in the best interest of the State of Illinois
15 and school districts based on criteria set by the Department,
16 which must include without limitation administrative cost,
17 service capabilities of the carrier or other contractors, and
18 premiums, fees, or charges as related to the costs of the
19 benefits.

20 (b) The term of a contract under this Section may not
21 extend beyond 5 fiscal years. The Director may exercise renewal
22 options of the same contract for up to a period of 5 years. Any
23 increases in premiums, fees, or charges requested by a
24 contractor whose contract may be renewed pursuant to a renewal
25 option contained in the contract must be justified on the basis
26 of (1) audited experience data, (2) increases in the costs of
27 prescription drug coverage provided under the contract, (3)
28 contractor performance, (4) increases in contractor
29 responsibilities, or (5) any combination of these bases.

30 (c) A contractor shall agree to abide by all requirements
31 and rules of the prescription drug benefit program, to submit
32 such information and data as may from time to time be deemed
33 necessary by the Director for effective administration of the

1 program, and to fully cooperate in any audit.

2 Section 20. Prescription drug benefits; program.

3 (a) Beginning July 1, 2005, the Department shall be
4 responsible for administering the prescription drug benefit
5 program established under this Act for employees, annuitants,
6 and dependents on a non-insured basis.

7 (b) For each program year, the Department shall set a date
8 by which school districts must notify the Department of their
9 election to participate in the prescription drug benefit
10 program. The Department shall provide notification of the
11 election date to school districts at least 45 days prior to the
12 election date.

13 (c) Any school district may apply to the Director to have
14 employees, annuitants, and dependents be provided a
15 prescription drug benefit program under this Act. To
16 participate, a school district must agree to enroll all of its
17 employees. A participating school district is not required to
18 enroll a full-time employee who has waived coverage under the
19 district's health plan.

20 (d) The Director shall determine the insurance rates and
21 premiums for those employees, annuitants, and dependents
22 participating in the prescription drug benefit program. Rates
23 and premiums may be based in part on age and eligibility for
24 federal Medicare coverage.

25 A school district must remit the entire cost of providing
26 prescription drug coverage under this Section.

27 (e) All revenues arising from the administration of the
28 prescription drug benefit program shall be deposited into
29 general revenue funds.

30 (f) It is the intention of the General Assembly that the
31 prescription drug benefit program be maintained on an on-going,
32 affordable basis. The prescription drug benefit program may be
33 changed by the State and is not intended to be a pension or

1 retirement benefit subject to protection under Section 5 of
2 Article XIII of the Illinois Constitution.

3 Section 85. The State Finance Act is amended by changing
4 Section 13.5 as follows:

5 (30 ILCS 105/13.5)

6 Sec. 13.5. Appropriations for ~~higher~~ education.

7 (a) State appropriations to the State Board of Education,
8 the Board of Trustees of Southern Illinois University, the
9 Board of Trustees of the University of Illinois, the Board of
10 Trustees of Chicago State University, the Board of Trustees of
11 Eastern Illinois University, the Board of Trustees of Illinois
12 State University, the Board of Trustees of Governors State
13 University, the Board of Trustees of Northeastern Illinois
14 University, the Board of Trustees of Northern Illinois
15 University, and the Board of Trustees of Western Illinois
16 University for operations shall identify the amounts
17 appropriated for personal services, State contributions to
18 social security for Medicare, contractual services, travel,
19 commodities, equipment, operation of automotive equipment,
20 telecommunications, awards and grants, and permanent
21 improvements.

22 (b) Within 120 days after the conclusion of each fiscal
23 year, each State-supported institution of higher learning must
24 provide, through the Illinois Board of Higher Education, a
25 financial report to the Governor and General Assembly
26 documenting the institution's revenues and expenditures of
27 funds for that fiscal year ending June 30 for all funds.

28 (Source: P.A. 93-229, eff. 7-22-03.)

29 Section 90. The School Code is amended by changing Sections
30 1A-1, 1A-2.1, 1A-4, 3-15.1, and 10-20.21 and adding Section
31 2-3.135 and Article 28A as follows:

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

2 Sec. 1A-1. Members and terms.

3 (a) The term of each member of the State Board of Education
4 who is in office on June 30, 2004 ~~the effective date of this~~
5 ~~amendatory Act of 1996~~ shall terminate on July 1, 2004 ~~January~~
6 ~~1, 1997~~ or when all of the new members initially to be
7 appointed under this amendatory Act of the 93rd General
8 Assembly of 1996 are appointed by the Governor as provided in
9 subsection (b), whichever last occurs.

10 (b) Beginning on July 1, 2004 ~~January 1, 1997~~ or when all
11 of the new members initially to be appointed under this
12 subsection are appointed by the Governor, whichever last
13 occurs, and thereafter, the State Board of Education shall
14 consist of 9 members, who shall be appointed by the Governor
15 with the advice and consent of the Senate from a pattern of
16 regional representation as follows: 2 appointees shall be
17 selected from among those counties of the State other than Cook
18 County and the 5 counties contiguous to Cook County; 2
19 appointees shall be selected from Cook County, one of whom
20 shall be a resident of the City of Chicago and one of whom
21 shall be a resident of that part of Cook County which lies
22 outside the city limits of Chicago; 2 appointees shall be
23 selected from among the 5 counties of the State that are
24 contiguous to Cook County; and 3 members shall be selected as
25 members-at-large. At no time may more than 5 members of the
26 Board be from one political party. Party membership is defined
27 as having voted in the primary of the party in the last primary
28 before appointment. Five of the ~~The~~ 9 members initially
29 appointed pursuant to this amendatory Act of the 93rd General
30 Assembly 1996 shall draw lots to determine 3 of their number
31 ~~who~~ shall serve until the second Wednesday of January, 2007, as
32 designated by the Governor, and the other 4 shall serve until
33 the second Wednesday of January, 2009, as designated by the

1 ~~Governor 2003, 3 of their number who shall serve until the~~
 2 ~~second Wednesday of January, 2001, and 3 of their number who~~
 3 ~~shall serve until the second Wednesday of January, 1999.~~ Upon
 4 expiration of the terms of ~~the~~ members ~~initially appointed~~
 5 ~~under this amendatory Act of 1996,~~ their respective successors
 6 shall be appointed for terms of 4 ~~6~~ years, from the second
 7 Wednesday in January of each odd numbered year and until their
 8 respective successors are appointed and qualified. Vacancies
 9 in terms shall be filled by appointment by the Governor with
 10 the advice and consent of the Senate for the extent of the
 11 unexpired term. If a vacancy in membership occurs at a time
 12 when the Senate is not in session, the Governor shall make a
 13 temporary appointment until the next meeting of the Senate,
 14 when the Governor shall appoint a person to fill that
 15 membership for the remainder of its term. If the Senate is not
 16 in session when appointments for a full term are made, the
 17 appointments shall be made as in the case of vacancies.

18 (Source: P.A. 89-610, eff. 8-6-96.)

19 (105 ILCS 5/1A-2.1) (from Ch. 122, par. 1A-2.1)

20 Sec. 1A-2.1. Vacancies. A vacancy exists on the State Board
 21 of Education when one or more of the following events occur:

- 22 1. A ~~a~~ member dies.†
- 23 2. A ~~a~~ member files a written resignation with the
 24 Governor.†
- 25 3. A ~~a~~ member is adjudicated to be a person under legal
 26 disability under the Probate Act of 1975, ~~as amended,~~ or a
 27 person subject to involuntary admission under the Mental Health
 28 and Developmental Disabilities Code.†
- 29 4. A ~~a~~ member ceases to be a resident of the region
 30 ~~judicial district~~ from which he or she was appointed.†
- 31 5. A ~~a~~ member is convicted of an infamous crime~~,~~ or of any
 32 offense involving a violation of his or her duties under this
 33 Code. ~~Act.~~†

1 6. ~~A~~ ~~a~~ member fails to maintain the qualifications stated
2 in Section 1A-2 of this Code Act.

3 7. A member is removed at the discretion of the Governor.
4 (Source: P.A. 83-706.)

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

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

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

13 Five members of the State Board of Education shall
14 constitute a quorum. A majority vote of appointed members is
15 required to approve any action.

16 B. The State Board of Education ~~Board~~ shall determine the
17 qualifications of and appoint a chief education officer, to be
18 known as the State Superintendent of Education, who may be
19 proposed by the Governor and who shall serve at the pleasure of
20 the Board and pursuant to a performance-based contract linked
21 to statewide student performance and academic improvement
22 within Illinois schools. No performance-based contract issued
23 for the employment of the State Superintendent of Education
24 shall be for a term longer than 2 3 years and no contract shall
25 be extended or renewed prior to its scheduled expiration unless
26 the performance and improvement goals contained in the contract
27 have been met. The State Superintendent of Education shall not
28 serve as a member of the State Board of Education, but. ~~The~~
29 ~~Board shall set the compensation of the State Superintendent of~~
30 ~~Education who~~ shall serve as the Board's chief executive
31 officer. The State Superintendent of Education shall receive an
32 annual salary as set by the State Board of Education from time
33 to time or as set by the Compensation Review Board, whichever

1 is greater. The State Board of Education shall ~~also~~ establish
2 the duties, powers and responsibilities of the State
3 Superintendent in accordance with this Code, which shall be
4 included in the State Superintendent's performance-based
5 contract along with the goals and indicators of student
6 performance and academic improvement used to measure the
7 performance and effectiveness of the State Superintendent. The
8 State Board of Education may delegate to the State
9 Superintendent of Education the authority to act on the Board's
10 behalf, provided such delegation is made pursuant to adopted
11 board policy or the powers delegated are ministerial in nature.
12 The State Board may not delegate authority under this Section
13 to the State Superintendent to (1) nonrecognize school
14 districts, (2) withhold State payments as a penalty, or (3)
15 make final decisions under the contested case provisions of the
16 Illinois Administrative Procedure Act unless otherwise
17 provided by law.

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

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

24 E. ~~Five members of the Board shall constitute a quorum. A~~
25 ~~majority vote of the members appointed, confirmed and serving~~
26 ~~on the Board is required to approve any action.~~ The State Board
27 of Education shall prepare and submit to the General Assembly
28 and the Governor on or before January 14, 1976 and annually
29 thereafter a report or reports of its findings and
30 recommendations. Such annual report shall contain a separate
31 section which provides a critique and analysis of the status of
32 education in Illinois and which identifies its specific
33 problems and recommends express solutions therefor. Such
34 annual report also shall contain the following information for

1 the preceding year ending on June 30: each act or omission of a
2 school district of which the State Board of Education has
3 knowledge as a consequence of scheduled, approved visits and
4 which constituted a failure by the district to comply with
5 applicable State or federal laws or regulations relating to
6 public education, the name of such district, the date or dates
7 on which the State Board of Education notified the school
8 district of such act or omission, and what action, if any, the
9 school district took with respect thereto after being notified
10 thereof by the State Board of Education. The report shall also
11 include the statewide high school dropout rate by grade level,
12 sex and race and the annual student dropout rate of and the
13 number of students who graduate from, transfer from or
14 otherwise leave bilingual programs. The Auditor General shall
15 annually perform a compliance audit of the State Board of
16 Education's performance of the reporting duty imposed by this
17 amendatory Act of 1986. A regular system of communication with
18 other directly related State agencies shall be implemented.

19 The requirement for reporting to the General Assembly shall
20 be satisfied by filing copies of the report with the Speaker,
21 the Minority Leader and the Clerk of the House of
22 Representatives and the President, the Minority Leader and the
23 Secretary of the Senate and the Legislative Council, as
24 required by Section 3.1 of the General Assembly Organization
25 Act, and filing such additional copies with the State
26 Government Report Distribution Center for the General Assembly
27 as is required under paragraph (t) of Section 7 of the State
28 Library Act.

29 (Source: P.A. 89-430, eff. 12-15-95; 89-610, eff. 8-6-96;
30 89-698, eff. 1-14-97; 90-548, eff. 1-1-98.)

31 (105 ILCS 5/2-3.135 new)

32 Sec. 2-3.135. Shared service centers. The State Board of
33 Education may create shared service centers.

1 (105 ILCS 5/3-15.1) (from Ch. 122, par. 3-15.1)

2 Sec. 3-15.1. Reports. To require the appointed school
3 treasurer in Class II counties, in each school district which
4 forms a part of a Class II county school unit but which is not
5 subject to the jurisdiction of the trustees of schools of any
6 township in which such district is located, and in each school
7 district of the Class I counties to prepare and forward to his
8 office on or before October 15, annually, and at such other
9 times as may be required by him or by the State Board of
10 Education a statement exhibiting the financial condition of the
11 school for the preceding year commencing on July 1 and ending
12 June 30.

13 In Class I county school units, and in each school district
14 which forms a part of a Class II county school unit but which
15 is not subject to the jurisdiction of the trustees of schools
16 of any township in which such school district is located, the
17 statement shall in the case of districts on the accrual basis
18 show the assets, liabilities and fund balance of the funds as
19 of the end of the fiscal year. The statement shall show the
20 operation of the funds for the fiscal year with a
21 reconciliation and analysis of changes in the funds at the end
22 of the period. For districts on a cash basis the statement
23 shall show the receipts and disbursements by funds including
24 the source of receipts and purpose for which the disbursements
25 were made together with the balance at the end of the fiscal
26 year. Each school district that is the administrator of a joint
27 agreement shall cause an Annual Financial Statement to be
28 submitted on forms prescribed by the State Board of Education
29 exhibiting the financial condition of the program established
30 pursuant to the joint agreement, for the fiscal year ending on
31 the immediately preceding June 30.

32 The regional superintendent shall send all required
33 reports to the State Board of Education on or before November

1 15, annually.

2 For all districts the statements shall show bonded debt,
3 tax warrants, taxes received and receivable by funds and such
4 other information as may be required by the State Board of
5 Education. The statement (i) shall provide education
6 purchasing information in a manner determined by the State
7 Board and (ii) shall provide a certified statement from a
8 certified public accountant on whether or not a school district
9 is complying with the requirements and intent of Section
10 10-20.21 of this Code. Any district from which such report is
11 not so received when required shall have its portion of the
12 distributive fund withheld for the next ensuing year until such
13 report is filed.

14 If a district is divided by a county line or lines the
15 foregoing required statement shall be forwarded to the regional
16 superintendent of schools having supervision and control of the
17 district.

18 (Source: P.A. 86-1441; 87-473.)

19 (105 ILCS 5/10-20.21) (from Ch. 122, par. 10-20.21)

20 Sec. 10-20.21. Contracts.

21 (a) To award all contracts for purchase of supplies,
22 materials or work or contracts with private carriers for
23 transportation of pupils involving an expenditure in excess of
24 \$10,000 to the lowest responsible bidder, considering
25 conformity with specifications, terms of delivery, quality and
26 serviceability, after due advertisement, except the following:
27 (i) contracts for the services of individuals possessing a high
28 degree of professional skill where the ability or fitness of
29 the individual plays an important part; (ii) contracts for the
30 printing of finance committee reports and departmental
31 reports; (iii) contracts for the printing or engraving of
32 bonds, tax warrants and other evidences of indebtedness; (iv)
33 contracts for the purchase of perishable foods and perishable

1 beverages; (v) contracts for materials and work which have been
2 awarded to the lowest responsible bidder after due
3 advertisement, but due to unforeseen revisions, not the fault
4 of the contractor for materials and work, must be revised
5 causing expenditures not in excess of 10% of the contract
6 price; (vi) contracts for the maintenance or servicing of, or
7 provision of repair parts for, equipment which are made with
8 the manufacturer or authorized service agent of that equipment
9 where the provision of parts, maintenance, or servicing can
10 best be performed by the manufacturer or authorized service
11 agent; (vii) purchases and contracts for the use, purchase,
12 delivery, movement, or installation of data processing
13 equipment, software, or services and telecommunications and
14 interconnect equipment, software, and services; (viii)
15 contracts for duplicating machines and supplies; (ix)
16 contracts for the purchase of natural gas when the cost is less
17 than that offered by a public utility; (x) purchases of
18 equipment previously owned by some entity other than the
19 district itself; (xi) contracts for repair, maintenance,
20 remodeling, renovation, or construction, or a single project
21 involving an expenditure not to exceed \$20,000 and not
22 involving a change or increase in the size, type, or extent of
23 an existing facility; (xii) contracts for goods or services
24 procured from another governmental agency; (xiii) contracts
25 for goods or services which are economically procurable from
26 only one source, such as for the purchase of magazines, books,
27 periodicals, pamphlets and reports, and for utility services
28 such as water, light, heat, telephone or telegraph; and (xiv)
29 where funds are expended in an emergency and such emergency
30 expenditure is approved by 3/4 of the members of the board.

31 All competitive bids for contracts involving an
32 expenditure in excess of \$10,000 must be sealed by the bidder
33 and must be opened by a member or employee of the school board
34 at a public bid opening at which the contents of the bids must

1 be announced. Each bidder must receive at least 3 days' notice
2 of the time and place of the bid opening. For purposes of this
3 Section due advertisement includes, but is not limited to, at
4 least one public notice at least 10 days before the bid date in
5 a newspaper published in the district, or if no newspaper is
6 published in the district, in a newspaper of general
7 circulation in the area of the district. State master contracts
8 and certified education purchasing contracts, as defined in
9 Article 28A of this Code, are not subject to the requirements
10 of this paragraph.

11 (b) To require, as a condition of any contract for goods
12 and services, that persons bidding for and awarded a contract
13 and all affiliates of the person collect and remit Illinois Use
14 Tax on all sales of tangible personal property into the State
15 of Illinois in accordance with the provisions of the Illinois
16 Use Tax Act regardless of whether the person or affiliate is a
17 "retailer maintaining a place of business within this State" as
18 defined in Section 2 of the Use Tax Act. For purposes of this
19 Section, the term "affiliate" means any entity that (1)
20 directly, indirectly, or constructively controls another
21 entity, (2) is directly, indirectly, or constructively
22 controlled by another entity, or (3) is subject to the control
23 of a common entity. For purposes of this subsection (b), an
24 entity controls another entity if it owns, directly or
25 individually, more than 10% of the voting securities of that
26 entity. As used in this subsection (b), the term "voting
27 security" means a security that (1) confers upon the holder the
28 right to vote for the election of members of the board of
29 directors or similar governing body of the business or (2) is
30 convertible into, or entitles the holder to receive upon its
31 exercise, a security that confers such a right to vote. A
32 general partnership interest is a voting security.

33 To require that bids and contracts include a certification
34 by the bidder or contractor that the bidder or contractor is

1 not barred from bidding for or entering into a contract under
2 this Section and that the bidder or contractor acknowledges
3 that the school board may declare the contract void if the
4 certification completed pursuant to this subsection (b) is
5 false.

6 (c) If the State education purchasing entity creates a
7 master contract as defined in Article 28A of this Code, then
8 the State education purchasing entity shall notify school
9 districts of the existence of the master contract. The State
10 purchasing entity shall also notify school districts of the
11 date by which the school districts must elect whether or not to
12 participate in the master contract, leaving adequate time for
13 the school district to solicit competing bids. The State
14 purchasing entity shall send to school districts no more than 4
15 notifications of master contracts per year, although each
16 notification may include more than one master contract. Once a
17 school district has received notice of the existence of a
18 master contract, the school district shall do one of the
19 following:

20 (1) Publicly elect to participate in the master
21 contract without engaging in the competitive bidding
22 required by subsections (a) and (b) of this Section.

23 (2) Publicly elect to not participate in the master
24 contract on the ground that the supplies, materials,
25 equipment, or services available in the master contract are
26 not needed.

27 (3) Solicit bids in accordance with subsections (a) and
28 (b) of this Section, and then, after bids have been
29 received, vote at a public meeting to (A) participate in
30 the master contract, (B) award a contract to a bidding
31 vendor who agrees to provide the supplies, materials,
32 equipment, or services on the same terms as the master
33 contract, (C) award a contract to a bidding vendor on terms
34 more favorable than those in the master contract, or (D)

1 not award a contract.

2 (d) In purchasing supplies, materials, equipment, or
3 services that are not subject to subsection (c) of this
4 Section, before a school district solicits bids or awards a
5 contract, the district must review and consider as a bid under
6 subsection (a) of this Section certified education purchasing
7 contracts that are already available through the State
8 education purchasing entity. If a certified education
9 purchasing contract is responsive to a request for bids, then
10 the school district must state publicly its reasons for not
11 participating in the certified education purchasing contract.

12 (e) A school district may annually adopt a resolution
13 establishing a local preference or a preference for businesses
14 certified under the Business Enterprise for Minorities,
15 Females, and Persons with Disabilities Act or both for any
16 contract entered into pursuant to subsections (c) and (d) of
17 this Section. The resolution must be adopted within 30 days
18 after the commencement of each fiscal year. The resolution
19 shall provide for specific criteria by which a preference may
20 be given to a bidder whose principal place of business is
21 located within the boundaries of the school district or for
22 certified businesses owned by females, minorities, or persons
23 with disabilities located within the State or both. If a
24 contract is awarded pursuant to such a preference, then the
25 school district must adopt a resolution stating that it
26 approves the use of the preference in awarding the contract. A
27 school district may not adopt a resolution stating that any
28 specific number or dollar amount of contracts must be awarded
29 through a preference authorized by this Section. No preference
30 authorized by this Section may result in the awarding of a
31 contract to a bidder whose bid is 10% or more greater than the
32 price specified in a master contract or certified education
33 purchasing contract. The school district is solely responsible
34 for ensuring that any preference granted pursuant to this

1 Section complies with all of the requirements of the United
2 States Constitution and the Illinois Constitution.

3 (f) If a school district does not comply with the
4 requirements and intent of subsections (c) and (d) of this
5 Section, then the school district is subject to a penalty as
6 determined by the State Board of Education.

7 (Source: P.A. 93-25, eff. 6-20-03.)

8 (105 ILCS 5/Art. 28A heading new)

9 ARTICLE 28A. Education Purchasing Program.

10 (105 ILCS 5/28A-5 new)

11 Sec. 28A-5. Definitions. In this Article:

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

13 "Education purchasing contract" means a contract
14 negotiated by the State Board, a local, State, or federal
15 governmental entity, or a not-for-profit, for-profit, or
16 cooperative entity that is certified under Section 28A-15 of
17 this Code and made available to school districts.

18 "Master contract" means a contract designated as a
19 statewide education master contract under Section 28A-15 of
20 this Code.

21 "Program" means the education purchasing program created
22 under this Article.

23 (105 ILCS 5/28A-10 new)

24 Sec. 28A-10. Program created. The State Board shall create
25 an education purchasing program. Under the program, the State
26 Board shall designate itself or another entity to act as a
27 State education purchasing entity to form and designate
28 statewide education master contracts and to certify education
29 purchasing contracts for key categories identified and defined
30 by the State Board. The State education purchasing entity shall
31 provide master contract and education purchasing contract

1 information and pricing to school districts.

2 (105 ILCS 5/28A-15 new)

3 Sec. 28A-15. Powers of State education purchasing entity.

4 The State education purchasing entity shall have all of the
5 following powers:

6 (1) To select vendors and form contracts in accordance
7 with the State's purchasing laws.

8 (2) To designate a contract as a statewide education
9 master contract for purposes of subsection (c) of Section
10 10-20.21 of this Code.

11 (3) To certify an education purchasing contract,
12 provided that the contract was entered into according to
13 procedures and conditions that conform to applicable State
14 purchasing laws, for purposes of subsection (d) of Section
15 10-20.21 of this Code.

16 (4) To facilitate the inter-district sale or transfer
17 of excess inventory or equipment.

18 (5) To select and subsidize e-procurement tools to be
19 implemented within school districts.

20 (105 ILCS 5/28A-20 new)

21 Sec. 28A-20. Rules. The State Board or other State agency
22 designated by the State Board may adopt rules to implement,
23 administer, and enforce the program.

24 Section 97. Severability. The provisions of this Act are
25 severable under Section 1.31 of the Statute on Statutes.

26 Section 99. Effective date. This Act takes effect July 1,
27 2004, except that the provisions changing Sections 3-15.1 and
28 10-20.21 of the School Code and adding Article 28A of the
29 School Code take effect on July 1, 2005."