



Rep. Robert F. Flider

Filed: 4/12/2005

09400HB2003ham001

LRB094 02829 RAS 43470 a

1 AMENDMENT TO HOUSE BILL 2003

2 AMENDMENT NO. _____. Amend House Bill 2003 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Community Education Act.

6 Section 5. Purpose. The Community Education Program is a
7 program that promotes lifelong learning for the entire
8 community and utilizes a process of citizen participation to
9 encourage the use of all available resources to respond to
10 individual and community needs. The program achieves this by
11 identifying community needs and resources and linking them in a
12 way that helps people to help themselves raise the quality of
13 life in their community. The program accomplishes this
14 objective by assisting in the assessment of community needs,
15 promoting collaboration among government, civic, fraternal,
16 religious, business, labor and educational organizations and
17 reducing duplication of effort through active community,
18 business, and education partnerships. The program provides
19 expanded opportunities for learning to residents of all ages
20 and provides additional community services. The General
21 Assembly recognizes that, while the primary mission of the
22 common schools in this State is to educate the children of this
23 State, in these times of increased longevity, social
24 complexity, and rapidly changing technology, there is an

1 increasing need for providing lifelong learning for all of the
2 residents of each community in this State and recognizes that
3 the common schools are uniquely suited to serve as centers for
4 the delivery of these programs of lifelong learning for all
5 segments of the population. The program also recognizes the
6 principle of local control of the educational process by each
7 community. To provide a framework for the delivery of these
8 services, it is the intent of the General Assembly to provide a
9 framework of support and supervision of community education
10 programs by the State Board of Education, with the option to
11 establish and operate a program of community education being
12 reserved to the school districts.

13 Section 10. Community Education Program. There is created
14 the Community Education Program, implemented by the State Board
15 of Education and administered by a Community Education
16 Coordinator, appointed as provided in this Act. Optionally this
17 program may be implemented by a school district in the manner
18 provided in this Act. This program shall do the following:

19 (1) Contain provisions and standards conducive to the
20 establishment of community, business, and education
21 partnerships that give use to lasting relationships
22 between the partners that are mutually beneficial.

23 (2) Provide greater community access to school
24 facilities and programs to promote increased achievement
25 by children.

26 (3) Make school facilities available for citizen use.

27 (4) Organize local residents to assess local
28 conditions, set priorities, identify program needs, and
29 participate in program planning and development.

30 (5) Identify and utilize resources within the
31 community or those that impact on the community.

32 (6) Assist in the initiation of new and improved
33 programs in an effort to improve opportunities for all

1 residents of the community.

2 (7) Provide early childhood family services, including
3 parental, medical, and parent education services, and day
4 care for school-aged youngsters before and after school.

5 (8) Provide effective youth training programs and
6 employment counseling in schools, as well as paid work
7 experience linking the schools with the private sector.

8 (9) Provide student involvement in community service
9 learning activities, organizations, and intergenerational
10 programs.

11 (10) Provide volunteer programs to bring parents,
12 business personnel, community agency representatives,
13 retirees, and other students into the classroom as
14 participants in the teaching of students.

15 (11) Provide an extended-day educational program for
16 school age children through grade 6.

17 (12) Provide supplemental or additional programs for
18 junior high school and high school age youth that may
19 consist of enrichment, individual, and supplemental
20 activities, as well as recreational, cultural, and
21 vocational programs.

22 (13) Provide programs to meet the individual needs of
23 all people who reside in the school district being served.

24 (14) Provide early childhood family education programs
25 for children from birth to kindergarten, parents of these
26 children, and expectant parents.

27 (15) Provide programs to prevent and remediate
28 substance abuse and physical and emotional abuse. Nothing
29 set forth in items (7) through (15) shall be constituted as
30 either requiring or permitting the Community Education
31 Program to have any program or programs serving the same
32 purpose or purposes as those elsewhere specifically
33 provided for in the School Code.

34 (16) Subject to appropriation, provide State matching

1 grants (up to \$50,000 per school district per year) to
2 school districts operating community education programs.

3 The Community Education Program shall contain procedures
4 and standards designed to detect and avoid duplication of
5 existing programs operated by other entities in whole or in
6 part within a school district. The Community Education Program
7 shall provide for the involvement of the residents of a school
8 district in ascertaining the identity of local problems, in
9 ascertaining the community resources available for dealing
10 with these problems, and in developing solutions through the
11 development of an Advisory Council.

12 Section 15. Community Education Coordinator; appointment
13 and tenure. The State Superintendent of Education shall appoint
14 a Community Education Coordinator, who shall report to the
15 State Superintendent of Education or to such other Associate or
16 Assistant Superintendent as the State Board of Education may
17 from time to time direct. The Coordinator shall serve at the
18 pleasure of the State Superintendent of Education and the State
19 Board of Education.

20 Section 20. Community Education Coordinator; powers and
21 duties. The Community Education Coordinator shall have the
22 following powers, duties, and responsibilities:

23 (1) To administer and enforce the provisions of this
24 Act, including the power to promulgate and enforce any
25 necessary rules not inconsistent with the provision of this
26 Act.

27 (2) To survey and analyze the existing and anticipated
28 community education programs in this State, the current and
29 anticipated problems in the delivery of these programs, the
30 present and future minimum needs and requirements for these
31 programs, and the present and future goals of these
32 programs. The Coordinator shall then prepare a

1 Comprehensive Community Education Plan for the
2 maintenance, development, expansion, and efficient
3 utilization of community education programs and resources
4 in this State. This Plan shall be submitted to the State
5 Board of Education for approval. The State Board of
6 Education may direct the modification, amplification, or
7 alteration of the plan prior to approval. The Coordinator
8 shall continually monitor the implementation of the plan,
9 and when necessary, recommend changes, alterations, or
10 additions to the plan to the State Board of Education. The
11 plan, as amended from time to time, shall be adhered to by
12 the Coordinator and by school districts in developing and
13 implementing community education programs.

14 (3) To study, review, and evaluate all available
15 resources and programs that, in whole or in part, could be
16 included in the community education program offered, or to
17 be offered, by a school district.

18 (4) To furnish technical information, consultant
19 services, and other assistance to school districts that are
20 either seeking to organize, organizing, or conducting a
21 community education program pursuant to the provisions of
22 this Act.

23 (5) To promulgate standards for the scope, content,
24 staffing, and operation of school district community
25 education programs and monitor the adherence thereto by
26 school districts conducting community education programs.

27 (6) To review a school district community education
28 program and, if this program is found to be in compliance
29 with this Act and the rules adopted under this Act, issue a
30 certificate of compliance with this Act to the school
31 district.

32 (A) In the case of an initial application for a
33 program, the Coordinator shall review the proposed
34 program. If the Coordinator finds that the proposed

1 program is in compliance with the provisions of this
2 Act and the rules adopted under this Act, the
3 Coordinator shall issue a provisional certificate of
4 qualification for the program.

5 (B) Provisional certificates issued under this Act
6 shall be valid for a period of one year from the date
7 of their issuance. However, the Coordinator may extend
8 the period of validity from time to time for additional
9 periods of one year each.

10 (C) Upon a finding by the Coordinator that a local
11 school district program that has been issued a
12 provisional certification is in compliance with this
13 Act and the rules adopted under this Act, the
14 Coordinator shall issue a permanent certificate to the
15 school district.

16 (D) Permanent certificates issued under this Act
17 shall be valid for a period of 5 years from the date of
18 their issuance, and the compliance of the certified
19 program with the requirements of this Act shall be
20 reviewed at the expiration of that time, and, if in
21 compliance, a new certificate shall be issued for a
22 like period.

23 (E) Nothing in subdivisions (A) through (D) of this
24 item (6) shall be deemed to limit the power of the
25 Coordinator to issue a permanent certificate under the
26 provisions of this item (6) to any school district
27 maintaining a qualifying community education program
28 on the effective date of this Act.

29 (F) The Coordinator shall have the power, for good
30 cause shown, to refuse to issue a certificate pursuant
31 to the provisions of this Act, to refuse to renew a
32 certificate issued pursuant to the provisions of this
33 Act, or to revoke any certificate issued pursuant to
34 the provisions of this Act. Any decision of the

1 Coordinator refusing to issue, refusing to renew, or
2 revoking any certificate under this Act is reviewable
3 as provided in Section 22 of this Act.

4 (G) In the event the Coordinator refuses to reissue
5 a certificate under the provisions of subdivision (F)
6 of this item (6), the Coordinator may, in his or her
7 discretion, issue a provisional certificate for the
8 community education program, and thereafter a
9 permanent certificate, pursuant to the provisions of
10 this item (6).

11 (7) To provide for and prescribe the content of annual
12 reports by school districts maintaining these community
13 education programs. The Coordinator shall compile and
14 analyze the information contained in these reports and
15 prepare and submit annually to the State Board of Education
16 a report containing information on the activities of the
17 Coordinator's office, a summary of the analysis of the
18 school district reports, and any recommendations for
19 improvements to community education, additional
20 legislation, or amendments to existing legislation. The
21 State Board of Education shall include the Coordinator's
22 report, together with the State Board of Education's
23 recommendations with respect to the report, in the annual
24 report to the General Assembly and the Governor required by
25 subsection E of Section 1A-4 of the School Code.

26 (8) To conduct such seminars, workshops, and other
27 training activities as may be deemed necessary or
28 advantageous to the operation of community education
29 programs in this State.

30 Section 22. Review of Coordinator's decision. Any decision
31 of the Community Education Coordinator pursuant to subdivision
32 (F) of item (6) of Section 20 of this Act is reviewable in the
33 following manner:

1 (1) Within 28 days after the issuance after a written
2 decision of the Coordinator refusing to issue, refusing to
3 renew, or revoking a certificate under this Act, the school
4 district may appeal the decision by filing a notice of
5 appeal of the decision with the State Superintendent of
6 Education.

7 (2) Upon filing the notice, the State Superintendent of
8 Education or his or her designated representative shall,
9 pursuant to rules adopted pursuant to this Act, conduct a
10 hearing as to the decision. At the hearing, the aggrieved
11 school district shall have the burden of establishing the
12 impropriety of the decision appealed from and the
13 Coordinator shall present evidence in support of the
14 decision.

15 (3) At the conclusion of the hearing, the State
16 Superintendent of Education or his or her designated
17 representative shall certify the evidence presented,
18 prepare recommended findings of fact and conclusions of law
19 based thereon, and file the certified evidence and proposed
20 findings of fact and conclusions of law with the State
21 Board of Education. Notice of the filing shall be given to
22 all parties as provided by rule. Within 28 days from the
23 date of the giving of the notice or any extension thereof
24 granted by the Chairperson of the State Board of Education,
25 any party to the proceedings may file written objections to
26 the proposed findings of fact and conclusions of law and
27 written briefs in support thereof with the Secretary of the
28 State Board of Education. Within 28 days from the filing of
29 these objections and briefs or any extension thereof
30 granted by the Chairperson of the State Board of Education,
31 the opposing party may file a written response and written
32 briefs in opposition to the objections.

33 (4) Upon the expiration of the period provided for the
34 filing of objections and responses in paragraph (3) of this

1 Section, the State Board of Education shall take the matter
2 under advisement. The State Board of Education may,
3 pursuant to rules, but shall not be required to, grant the
4 parties the right to appear before the State Board of
5 Education and be heard in support of their respective
6 contentions. The State Board of Education shall make
7 findings of fact and conclusions of law and render a
8 decision either affirming the decision of the Coordinator,
9 reversing the decision, or reversing and remanding the
10 decision to the Coordinator for such further proceedings as
11 the State Board of Education may direct.

12 (5) Any decision of the State Board of Education
13 denying a provisional or permanent certificate or revoking
14 a certificate shall be deemed a final administrative
15 decision within the meaning of the Administrative Review
16 Law.

17 (6) Any decision of the Coordinator revoking a
18 certificate or refusing to renew a certificate shall become
19 effective on the expiration of the appeal period provided
20 in this Section. The taking of an appeal shall stay the
21 effect of any order of the Coordinator revoking or refusing
22 to renew a permanent certificate under this Act during the
23 pendency of the appeal, including any appeal pursuant to
24 the Administrative Review Law. The State Superintendent of
25 Education or his or her designated representative, in his
26 or her discretion, may stay all or any part of any other
27 decision of the Coordinator with respect to certification.

28 Section 25. Establishment of community education program
29 by school district. A school district may establish and operate
30 a community education program in accordance with the provisions
31 of this Act.

32 Section 50. School district community education program.

1 The school board of the school district may authorize the
2 establishment of a community education program pursuant to this
3 Act. Upon authorization, the school board shall promptly employ
4 a Director of Community Education, appoint an advisory council,
5 proceed to adopt a community education plan conforming to the
6 requirements of this Act and the rules adopted under this Act,
7 and submit this plan to the Community Education Coordinator for
8 certification pursuant to this Act. Thereafter the school board
9 shall provide for the general supervision of the community
10 education program. Upon receiving certification, the school
11 district shall proceed to implement this plan.

12 Section 55. Community Education Fund. Any funds from the
13 State appropriated for the purposes of this Act shall be
14 credited to a community education fund that shall be maintained
15 on the books and records of the school district. The school
16 board may designate up to \$50,000 to be set aside for community
17 education purposes, which shall be credited to this Fund. All
18 funds received for community education purposes from other
19 sources such as gifts, grants, tuition, and other program
20 revenues shall also be credited to this fund. The school board
21 of each school district having a certified community education
22 program may appropriate, budget, and expend these funds for
23 community education purposes. Funds credited to the community
24 education fund shall not be transferred to any other fund at
25 any time or for any purpose, other than for reimbursement for
26 goods or services furnished to the community education program
27 by the school district and paid for from other district funds.

28 Section 60. Local advisory council. Each school board
29 shall provide for a local advisory council to consist of
30 members who represent various service organizations, churches,
31 public schools, units of local government, businesses and
32 professions, public and private agencies serving youth,

1 families, or senior citizens, municipal governments,
2 townships, libraries, park, recreation, or forest preserve
3 districts located in whole or in part within the school
4 district, and any other group or groups participating in the
5 school district's community education program. The advisory
6 council shall function in an advisory capacity, in cooperation
7 with the Director of Community Education, to promote the goals
8 and objectives of the school district's community education
9 program.

10 Section 65. Director of Community Education. Each school
11 district maintaining a community education program shall
12 employ a certified Director of Community Education who shall
13 report to the superintendent of the district. The Director
14 shall be responsible for all aspects of the school district's
15 community education programs. A school district may, with the
16 approval of the Community Education Coordinator, designate an
17 individual who holds a valid administrative certificate issued
18 pursuant to Section 21-7.1 of the School Code as Director of
19 Community Education.

20 Section 70. Certification of Director of Community
21 Education. The State Board of Education, in consultation with
22 the State Teacher Certification Board, shall by rule set
23 standards for the holding of a certificate as a Director of
24 Community Education and shall administer the certification
25 process.

26 Section 75. Non-duplication of programs. No school
27 district community education program shall duplicate any
28 program that is being adequately offered within the territory
29 of the district by another public entity. Disputes between a
30 school district and any other public entity as to the extent of
31 duplication and the adequacy of the existing program being

1 offered by the other public entity shall be resolved by the
2 Community Education Coordinator, and the Coordinator's
3 decision shall constitute a final administrative decision for
4 proposes of judicial review. Each school district authorized to
5 conduct a community education program pursuant to the
6 provisions of this Act shall adopt procedures designed to
7 detect and prevent the duplication of services within the
8 territory served by the district.

9 Section 80. Community education consortiums. Any school
10 district authorized to conduct a community education program
11 pursuant to the provisions of this Act may enter into an
12 agreement with one or more contiguous or overlapping school
13 districts to form a consortium for the purpose of offering a
14 consolidated community education program supervised by a
15 single Director of Community Education, who may be an employee
16 of more than one school district. The Community Education
17 Coordinator shall, by rule, promulgate guidelines for the scope
18 and content of these agreements, and the agreement shall be
19 subject to the approval of the Community Education Coordinator.
20 Any decision of the Coordinator denying approval of an
21 agreement under this Section shall be subject to review in the
22 manner provided in Section 22 of this Act.

23 Section 85. Partnership agreements. A school district
24 community education program shall have the power to enter into
25 agreements with any other public or private entity or entities
26 for the furnishing of any component of its community education
27 program, provided that programs so furnished shall comply with
28 the standards promulgated by the Community Education
29 Coordinator. These agreements may provide for payments from the
30 school district's community education fund to other entities as
31 contributions to the expenses of the program or programs
32 covered by these agreements.

1 Section 90. Funding. A school district maintaining a
2 community education program is authorized to receive money from
3 the State, as grants that are subject to appropriation, and
4 other public and private sources for the support of its program
5 or any component thereof and to expend this money pursuant to
6 the provisions of this Act, subject to the terms and conditions
7 under which the money is received. The school district shall
8 have the power to create a non-profit, tax exempt foundation
9 for the purpose of enriching the lifelong learning programs of
10 the district's community education program. Subject to
11 guidelines approved by the school board, the school district is
12 also authorized to charge and collect tuition for specific
13 community education programs. The school board shall also have
14 the authority to designate up to \$50,000 per year in
15 discretionary funds to be used for community education
16 purposes.

17 Section 95. Area Learning Center. A school district or
18 consortium of school districts operating a community education
19 plan under this Act, may, but shall not be required to, either
20 by itself or in cooperation with another school district, a
21 service cooperative, a local community education partnership,
22 a public or private post-secondary institution, or any other
23 public agencies, businesses, or foundations, establish and
24 operate an Area Learning Center. The Center shall have access
25 to the school district's regular education program, special
26 education program, technology facilities, and staff. The
27 Center shall seek the involvement of community education
28 programs, post-secondary institutions, interagency
29 collaborations, community resources, businesses, and other
30 federal, State, and local public agencies.

31 Section 100. Certification of teaching personnel.

1 (a) Notwithstanding the provisions of any other law to the
2 contrary and except as otherwise provided in Section 70 of this
3 Act and subsection (b) of this Section, a person who teaches,
4 leads, or otherwise conducts a community education program is
5 exempt from all certification requirements, including, but not
6 limited to, those contained in the School Code.

7 (b) The provisions of Subsection (a) of this Section shall
8 not apply to any program when the applicable provisions of the
9 statute creating it or the applicable conditions of any grant
10 that may be used in whole or in part for its funding contain
11 specific certification requirements for personnel teaching,
12 leading, or otherwise conducting the program. The provisions of
13 subsection (a) of this Section shall not apply to instruction
14 offered for academic credit to satisfy the requirements of
15 grades K through 12.

16 (c) The provisions of the School Code permitting the
17 granting of special certificates to persons particularly
18 qualified by experience and training to teach specific courses
19 of instruction shall be applicable to any course for which
20 certification is required pursuant to the provisions of
21 Subsection (b) of this Section.

22 Section 999. Effective date. This Act takes effect upon
23 becoming law.".