



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB2751**

Introduced 1/20/2006, by Sen. Bill Brady

**SYNOPSIS AS INTRODUCED:**

20 ILCS 5/5-15	was 20 ILCS 5/3
20 ILCS 5/5-20	was 20 ILCS 5/4
20 ILCS 5/5-338 new	
105 ILCS 5/1A-0.01 new	
105 ILCS 5/1A-4	from Ch. 122, par. 1A-4
105 ILCS 5/1A-1 rep.	
105 ILCS 5/1A-2 rep.	
105 ILCS 5/1A-2.1 rep.	

Amends the Civil Administrative Code of Illinois and the School Code. Creates the Department of Education, with a Secretary of Education as its head, to replace the State Board of Education and State Superintendent of Education. Makes technical changes having a revisory function.

LRB094 18644 NHT 53997 b

FISCAL NOTE ACT  
MAY APPLY

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 Civil Administrative Code of Illinois is  
5 amended by changing Sections 5-15 and 5-20 and adding Section  
6 5-338 as follows:

7 (20 ILCS 5/5-15) (was 20 ILCS 5/3)

8 (Text of Section before amendment by P.A. 94-696)

9 Sec. 5-15. Departments of State government. The  
10 Departments of State government are created as follows:

11 The Department on Aging.

12 The Department of Agriculture.

13 The Department of Central Management Services.

14 The Department of Children and Family Services.

15 The Department of Commerce and Economic Opportunity.

16 The Department of Corrections.

17 The Department of Education.

18 The Department of Employment Security.

19 The Emergency Management Agency.

20 The Department of Financial Institutions.

21 The Department of Healthcare and Family Services.

22 The Department of Human Rights.

23 The Department of Human Services.

24 The Department of Insurance.

25 The Department of Labor.

26 The Department of the Lottery.

27 The Department of Natural Resources.

28 The Department of Professional Regulation.

29 ~~The Department of Public Aid.~~

30 The Department of Public Health.

31 The Department of Revenue.

32 The Department of State Police.

1 The Department of Transportation.

2 The Department of Veterans' Affairs.

3 (Source: P.A. 93-25, eff. 6-20-03; 93-1029, eff. 8-25-04;  
4 revised 12-15-05.)

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16 The Emergency Management Agency.

17 The Department of Financial Institutions.

18 The Department of Healthcare and Family Services.

19 The Department of Human Rights.

20 The Department of Human Services.

21 The Department of Insurance.

22 The Department of Juvenile Justice.

23 The Department of Labor.

24 The Department of the Lottery.

25 The Department of Natural Resources.

26 The Department of Professional Regulation.

27 ~~The Department of Public Aid.~~

28 The Department of Public Health.

29 The Department of Revenue.

30 The Department of State Police.

31 The Department of Transportation.

32 The Department of Veterans' Affairs.

33 (Source: P.A. 93-25, eff. 6-20-03; 93-1029, eff. 8-25-04;  
34 94-696, eff. 6-1-06; revised 12-15-05.)

1 (20 ILCS 5/5-20) (was 20 ILCS 5/4)

2 (Text of Section before amendment by P.A. 94-696)

3 Sec. 5-20. Heads of departments. Each department shall have  
4 an officer as its head who shall be known as director or  
5 secretary and who shall, subject to the provisions of the Civil  
6 Administrative Code of Illinois, execute the powers and  
7 discharge the duties vested by law in his or her respective  
8 department.

9 The following officers are hereby created:

10 Director of Aging, for the Department on Aging.

11 Director of Agriculture, for the Department of  
12 Agriculture.

13 Director of Central Management Services, for the  
14 Department of Central Management Services.

15 Director of Children and Family Services, for the  
16 Department of Children and Family Services.

17 Director of Commerce and Economic Opportunity, for the  
18 Department of Commerce and Economic Opportunity.

19 Director of Corrections, for the Department of  
20 Corrections.

21 Secretary of Education, for the Department of Education.

22 Director of Emergency Management Agency, for the Emergency  
23 Management Agency.

24 Director of Employment Security, for the Department of  
25 Employment Security.

26 Director of Financial Institutions, for the Department of  
27 Financial Institutions.

28 Director of Healthcare and Family Services, for the  
29 Department of Healthcare and Family Services.

30 Director of Human Rights, for the Department of Human  
31 Rights.

32 Secretary of Human Services, for the Department of Human  
33 Services.

34 Director of Insurance, for the Department of Insurance.

35 Director of Labor, for the Department of Labor.

36 Director of the Lottery, for the Department of the Lottery.

1 Director of Natural Resources, for the Department of  
2 Natural Resources.

3 Director of Professional Regulation, for the Department of  
4 Professional Regulation.

5 ~~Director of Public Aid, for the Department of Public Aid.~~

6 Director of Public Health, for the Department of Public  
7 Health.

8 Director of Revenue, for the Department of Revenue.

9 Director of State Police, for the Department of State  
10 Police.

11 Secretary of Transportation, for the Department of  
12 Transportation.

13 Director of Veterans' Affairs, for the Department of  
14 Veterans' Affairs.

15 (Source: P.A. 93-25, eff. 6-20-03; 93-1029, eff. 8-25-04;  
16 revised 12-15-05.)

17 (Text of Section after amendment by P.A. 94-696)

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22 discharge the duties vested by law in his or her respective  
23 department.

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25 Director of Aging, for the Department on Aging.

26 Director of Agriculture, for the Department of  
27 Agriculture.

28 Director of Central Management Services, for the  
29 Department of Central Management Services.

30 Director of Children and Family Services, for the  
31 Department of Children and Family Services.

32 Director of Commerce and Economic Opportunity, for the  
33 Department of Commerce and Economic Opportunity.

34 Director of Corrections, for the Department of  
35 Corrections.

1           Secretary of Education, for the Department of Education.

2           Director of Emergency Management Agency, for the Emergency  
3 Management Agency.

4           Director of Employment Security, for the Department of  
5 Employment Security.

6           Director of Financial Institutions, for the Department of  
7 Financial Institutions.

8           Director of Healthcare and Family Services, for the  
9 Department of Healthcare and Family Services.

10          Director of Human Rights, for the Department of Human  
11 Rights.

12          Secretary of Human Services, for the Department of Human  
13 Services.

14          Director of Insurance, for the Department of Insurance.

15          Director of Juvenile Justice, for the Department of  
16 Juvenile Justice.

17          Director of Labor, for the Department of Labor.

18          Director of the Lottery, for the Department of the Lottery.

19          Director of Natural Resources, for the Department of  
20 Natural Resources.

21          Director of Professional Regulation, for the Department of  
22 Professional Regulation.

23          ~~Director of Public Aid, for the Department of Public Aid.~~

24          Director of Public Health, for the Department of Public  
25 Health.

26          Director of Revenue, for the Department of Revenue.

27          Director of State Police, for the Department of State  
28 Police.

29          Secretary of Transportation, for the Department of  
30 Transportation.

31          Director of Veterans' Affairs, for the Department of  
32 Veterans' Affairs.

33          (Source: P.A. 93-25, eff. 6-20-03; 93-1029, eff. 8-25-04;  
34 94-696, eff. 6-1-06; revised 12-15-05.)

35                 (20 ILCS 5/5-338 new)

1       Sec. 5-338. In the Department of Education. The Secretary  
2 of Education shall receive an annual salary as set by the  
3 Governor from time to time or as set by the Compensation Review  
4 Board, whichever is greater.

5       Section 10. The School Code is amended by adding Section  
6 1A-0.01 and changing Section 1A-4 as follows:

7           (105 ILCS 5/1A-0.01 new)

8       Sec. 1A-0.01. Former State Board of Education and State  
9 Superintendent of Education.

10       (a) On the effective date of this amendatory Act of the  
11 94th General Assembly, all powers and duties of the State Board  
12 of Education shall be transferred to the Department of  
13 Education and all powers and duties of the State Superintendent  
14 of Education shall be transferred to the Secretary of  
15 Education.

16       (b) References in this Code or any other law to the State  
17 Board of Education shall be deemed to refer to the Department  
18 of Education. References in this Code or any other law to the  
19 State Superintendent of Education shall be deemed to refer to  
20 the Secretary of Education.

21       (c) All rules, standards, and procedures adopted by the  
22 State Board of Education shall continue in effect as the rules,  
23 standards, and procedures of the Department of Education, until  
24 they are modified or abolished by the Department. All rules,  
25 standards, and procedures adopted by the State Superintendent  
26 of Education shall continue in effect as the rules, standards,  
27 and procedures of the Secretary of Education, until they are  
28 modified or abolished by the Secretary.

29       (d) All books, records, funds, and other property of any  
30 kind or nature belonging or in any way appertaining to the  
31 State Board of Education shall be transferred and paid over to  
32 the Department of Education. All books, records, funds, and  
33 other property of any kind or nature belonging or in any way  
34 appertaining to the State Superintendent of Education shall be

1 transferred and paid over to the Secretary of Education.

2 (105 ILCS 5/1A-4) (from Ch. 122, par. 1A-4)

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

4 A. (Blank).

5 B. (Blank). ~~The Board shall determine the qualifications of~~  
6 ~~and appoint a chief education officer, to be known as the State~~  
7 ~~Superintendent of Education, who may be proposed by the~~  
8 ~~Governor and who shall serve at the pleasure of the Board and~~  
9 ~~pursuant to a performance based contract linked to statewide~~  
10 ~~student performance and academic improvement within Illinois~~  
11 ~~schools. Upon expiration or buyout of the contract of the State~~  
12 ~~Superintendent of Education in office on the effective date of~~  
13 ~~this amendatory Act of the 93rd General Assembly, a State~~  
14 ~~Superintendent of Education shall be appointed by a State Board~~  
15 ~~of Education that includes the 7 new Board members who were~~  
16 ~~appointed to fill seats of members whose terms were terminated~~  
17 ~~on the effective date of this amendatory Act of the 93rd~~  
18 ~~General Assembly. Thereafter, a State Superintendent of~~  
19 ~~Education must, at a minimum, be appointed at the beginning of~~  
20 ~~each term of a Governor after that Governor has made~~  
21 ~~appointments to the Board. A performance based contract issued~~  
22 ~~for the employment of a State Superintendent of Education~~  
23 ~~entered into on or after the effective date of this amendatory~~  
24 ~~Act of the 93rd General Assembly must expire no later than~~  
25 ~~February 1, 2007, and subsequent contracts must expire no later~~  
26 ~~than February 1 each 4 years thereafter. No contract shall be~~  
27 ~~extended or renewed beyond February 1, 2007 and February 1 each~~  
28 ~~4 years thereafter, but a State Superintendent of Education~~  
29 ~~shall serve until his or her successor is appointed. Each~~  
30 ~~contract entered into on or before January 8, 2007 with a State~~  
31 ~~Superintendent of Education must provide that the State Board~~  
32 ~~of Education may terminate the contract for cause, and the~~  
33 ~~State Board of Education shall not thereafter be liable for~~  
34 ~~further payments under the contract. With regard to this~~  
35 ~~amendatory Act of the 93rd General Assembly, it is the intent~~



1 ~~of the General Assembly that, beginning with the Governor who~~  
2 ~~takes office on the second Monday of January, 2007, a State~~  
3 ~~Superintendent of Education be appointed at the beginning of~~  
4 ~~each term of a Governor after that Governor has made~~  
5 ~~appointments to the Board. The State Superintendent of~~  
6 ~~Education shall not serve as a member of the State Board of~~  
7 ~~Education. The Board shall set the compensation of the State~~  
8 ~~Superintendent of Education who shall serve as the Board's~~  
9 ~~chief executive officer. The Board shall also establish the~~  
10 ~~duties, powers and responsibilities of the State~~  
11 ~~Superintendent, which shall be included in the State~~  
12 ~~Superintendent's performance-based contract along with the~~  
13 ~~goals and indicators of student performance and academic~~  
14 ~~improvement used to measure the performance and effectiveness~~  
15 ~~of the State Superintendent. The State Board of Education may~~  
16 ~~delegate to the State Superintendent of Education the authority~~  
17 ~~to act on the Board's behalf, provided such delegation is made~~  
18 ~~pursuant to adopted board policy or the powers delegated are~~  
19 ~~ministerial in nature. The State Board may not delegate~~  
20 ~~authority under this Section to the State Superintendent to (1)~~  
21 ~~nonrecognize school districts, (2) withhold State payments as a~~  
22 ~~penalty, or (3) make final decisions under the contested case~~  
23 ~~provisions of the Illinois Administrative Procedure Act unless~~  
24 ~~otherwise provided by law.~~

25 C. The powers and duties of the State Board of Education  
26 shall encompass all duties delegated to the Office of  
27 Superintendent of Public Instruction on January 12, 1975,  
28 except as the law providing for such powers and duties is  
29 thereafter amended, and such other powers and duties as the  
30 General Assembly shall designate. The Board shall be  
31 responsible for the educational policies and guidelines for  
32 public schools, pre-school through grade 12 and Vocational  
33 Education in the State of Illinois. The Board shall analyze the  
34 present and future aims, needs, and requirements of education  
35 in the State of Illinois and recommend to the General Assembly  
36 the powers which should be exercised by the Board. The Board

1 shall recommend the passage and the legislation necessary to  
2 determine the appropriate relationship between the Board and  
3 local boards of education and the various State agencies and  
4 shall recommend desirable modifications in the laws which  
5 affect schools.

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

28 ~~E. Five members of the Board shall constitute a quorum. A~~  
29 ~~majority vote of the members appointed, confirmed and serving~~  
30 ~~on the Board is required to approve any action, except that the~~  
31 ~~7 new Board members who were appointed to fill seats of members~~  
32 ~~whose terms were terminated on the effective date of this~~  
33 ~~amendatory act of the 93rd General Assembly may vote to approve~~  
34 ~~actions when appointed and serving.~~

35 The Board shall prepare and submit to the General Assembly  
36 and the Governor on or before January 14, 1976 and annually

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

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

35 F. (Blank). ~~Upon appointment of the 7 new Board members who~~  
36 ~~were appointed to fill seats of members whose terms were~~

1 ~~terminated on the effective date of this amendatory Act of the~~  
2 ~~93rd General Assembly, the Board shall review all of its~~  
3 ~~current rules in an effort to streamline procedures, improve~~  
4 ~~efficiency, and eliminate unnecessary forms and paperwork.~~

5 (Source: P.A. 93-1036, eff. 9-14-04.)

6 (105 ILCS 5/1A-1 rep.)

7 (105 ILCS 5/1A-2 rep.)

8 (105 ILCS 5/1A-2.1 rep.)

9 Section 15. The School Code is amended by repealing  
10 Sections 1A-1, 1A-2, and 1A-2.1.