



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2793

Introduced 1/20/2006, by Sen. Chris Lauzen

SYNOPSIS AS INTRODUCED:

New Act

105 ILCS 5/2-3.64

from Ch. 122, par. 2-3.64

105 ILCS 5/17-1.10 new

105 ILCS 5/34-43.5 new

30 ILCS 805/8.30 new

Creates the Educational Choice Act to establish a pilot educational choice program in the Chicago school district that entitles a custodian of a qualifying pupil to a voucher for payment of qualified education expenses at any qualified school in which the pupil is enrolled. Repeals the Act on July 1, 2011. Amends the School Code. Requires the State Board of Education to develop unique student identifiers for State test takers that allow teachers to have the information needed to teach to the ability of the student. Provides that a school district must spend at least 65% of its total operating expenditures on direct classroom expenditures and if a school district's direct classroom expenditures for the 2006-2007 school year are less than 65% of its total operating expenditures, then the district must increase its direct classroom expenditures by at least 2 percentage points per school year beginning with the 2007-2008 school year until at least 65% of the district's total operating expenditures are spent on direct classroom expenditures. Provides that a school district that is unable to meet these expenditure standards due to special circumstances may apply for a one-year, renewable waiver. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB094 19030 NHT 54525 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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
5 Educational Choice Act.

6 Section 5. Findings and declaration of policy. The General
7 Assembly finds and declares that:

8 (1) The imposition on families of the compulsory education
9 law imposes grave responsibilities on the General Assembly to
10 safeguard the academic freedom of choice of schools of
11 taxpaying parents and students.

12 (2) There is a crisis in elementary and secondary education
13 in Illinois. Many school children are performing significantly
14 below relevant standards; others are dropping out of school
15 before completing the ordinary course of secondary education. A
16 substantial number of our young people are leaving school
17 without the basic skills and knowledge that will enable them to
18 find and hold a job or otherwise function in our society.
19 Businesses cite an untrained workforce as a reason for locating
20 elsewhere.

21 (3) Some schools in Illinois are providing a better
22 elementary and secondary education than others. Pupils in those
23 schools are performing near or above relevant standards and
24 generally remain in school until they complete the ordinary
25 course of their secondary education. Young people leave these
26 schools with the basic skills and knowledge that will enable
27 them to find and hold jobs and otherwise function as productive
28 members of society.

29 (4) Parents of school age children are frequently unable to
30 enroll their children in schools that will provide them a
31 quality education. Sometimes this inability is due to laws and
32 regulations that limit parents' freedom to select schools that

1 they believe can provide their children with a quality
2 education. Sometimes this inability is due to the parents' lack
3 of standing to influence the educational policies and
4 procedures of schools their children attend or lack of funds to
5 pay for a quality education. Businesses cite the unavailability
6 of quality schools to which their employees can send their
7 children as a reason for locating elsewhere.

8 (5) Adopting a pilot educational choice program would
9 enable parents to select schools they believe will provide a
10 quality education for their children, empower them to influence
11 the educational policies and procedures of the schools their
12 children attend, and provide them with at least a portion of
13 the funds necessary to pay for a quality education. Such a
14 program would begin to help alleviate the crisis in Illinois
15 elementary and secondary education and assist more Illinois
16 children to become productive members of our society. It would
17 also encourage businesses to locate in Illinois and promote
18 employment.

19 (6) The provisions of this Act are in the public interest,
20 for the public benefit, and serve a secular public purpose.

21 Section 10. Definitions. As used in this Act:

22 "Custodian" means, with respect to a qualifying pupil, an
23 Illinois resident who is the parent or legal guardian of such
24 qualifying pupil.

25 "Qualified education expenses" means costs reasonably
26 incurred by a custodian on behalf of a qualifying pupil for
27 services at the qualifying school in which the pupil is
28 enrolled during the regular school year. Qualified education
29 expenses shall not include costs incurred for supplies or
30 extra-curricular activities.

31 "Qualifying pupil" means an individual who:

32 (1) resides within a school district organized under
33 Article 34 of the School Code;

34 (2) is under age 21 at the close of the school year for
35 which the voucher is sought;

1 (3) during the school year for which the voucher is sought,
2 is a full-time pupil enrolled in a 1st through 12th grade
3 education program at any qualifying school as defined in this
4 Act; and

5 (4) is a member of a family that has a total family income
6 that does not exceed an amount equal to 1.5 times the family
7 income level necessary to qualify for free meals under the
8 National School Lunch Act.

9 "Qualifying school" means any public or non-home based,
10 nonpublic elementary or secondary school located within a
11 school district organized under Article 34 of the School Code
12 that is in compliance with Title VI of the Civil Rights Act of
13 1964 and attendance at which satisfies the requirements of
14 Section 26-1 of the School Code, except that nothing in Section
15 26-1 shall be construed as to require a child to attend any
16 particular public or nonpublic school.

17 "Voucher" means a written instrument with which a custodian
18 of a qualifying pupil may pay a qualifying school a sum certain
19 for qualified education expenses incurred on behalf of such
20 qualifying pupil at the school. The voucher shall require the
21 State Board of Education to reimburse the qualifying school
22 within a designated time period for a sum that is the least of
23 the following: (i) the qualified education expenses incurred by
24 a qualifying pupil at the school in which the pupil is
25 enrolled, or (ii) the foundation level of support specified in
26 subsection (B) of Section 18-8.05 of the School Code.

27 Section 15. Educational choice program. Beginning with the
28 2007-2008 school year, a custodian of a qualifying pupil shall
29 be entitled, subject to subdivision (2) of Section 45, to a
30 voucher for payment of qualified education expenses incurred on
31 behalf of a qualifying pupil at any qualified school in which
32 such pupil is enrolled.

33 Section 20. Request for a voucher. A custodian who applies
34 in accordance with procedures established by the State Board of

1 Education shall receive a voucher with the dollar limits set
2 out in this Act. Such procedures shall require application for
3 the voucher, with documentation as to eligibility, no later
4 than October 1 of the year of attendance.

5 Section 25. Issuance and payment of voucher. The State
6 Board of Education shall establish procedures for the issuance
7 of the voucher to a custodian who has made proper application,
8 the presentation of the voucher by the custodian to the
9 qualifying school, and the presentation of the voucher for
10 payment by the qualifying school. Such procedures shall require
11 that:

12 (1) the voucher be issued to the custodian no later
13 than November 15 of the school year of attendance;

14 (2) the custodian present the voucher to the qualifying
15 school no later than November 30 of the year of attendance;

16 (3) the qualifying school present the voucher to the
17 State Board of Education for payment no later than December
18 15 of the school year of attendance; and

19 (4) the State Board of Education pay the voucher no
20 later than February 1 of the school year of attendance.

21 Section 30. Funding. The cost of the educational choice
22 program established by this Act shall be paid from a separate
23 appropriation made by the General Assembly for the purposes of
24 this Act. In no year may the total amount of the appropriation
25 exceed \$45,000,000. The State Board of Education shall ensure
26 that the State aid payable to all other school districts is
27 neither reduced or increased as a result of the appropriations
28 made for this program.

29 Section 35. Not gross income. The amount of any voucher
30 redeemed under this Act shall not be considered gross income
31 and shall not be taxable for Illinois income tax purposes.

32 Section 40. Penalties. It shall be a Class 3 felony to use

1 or attempt to use a voucher for any purpose other than those
2 permitted by this Act. It shall be a Class 3 felony to, with
3 intent to defraud, knowingly forge, alter, or misrepresent
4 information on a voucher or on any documents submitted in
5 application for a voucher, to issue or deliver any such
6 document knowing it to have been thus forged, altered, or based
7 on misrepresentation, or to possess, with intent to issue or
8 deliver, any such document knowing it to have been forged,
9 altered, or based on misrepresentation.

10 Section 45. Council of Advisers. There is created a
11 Council of Advisers to consist of 15 members appointed as
12 follows: the Governor, the President of the Senate, the
13 Minority Leader of the Senate, the Speaker of the House of
14 Representatives, and the Minority Leader of the House of
15 Representatives shall each appoint one representative of
16 public schools, one representative of nonpublic schools, and
17 one representative of the general public. The term of each
18 member shall commence upon appointment and shall expire on July
19 1, 2011. Vacancies on the Council shall be filled by the
20 respective appointing authority. If a legislative leader fails
21 to make his or her appointment to the Council, within 60 days
22 after the effective date of this Act or 30 days after a vacancy
23 on the Council, the appointment shall be made by the Governor.
24 Members of the Council shall select a chairperson and such
25 other officers as it deems necessary.

26 The Council shall advise the State Board of Education on
27 the operation of this Act and shall have such other powers and
28 duties as follows:

29 (1) If the amount needed to fund vouchers for all
30 qualifying pupils exceeds the amount appropriated in any
31 year, the Council shall determine an equitable way to
32 allocate the appropriated amount among the qualifying
33 pupils consistent with the stated purpose and policy of
34 this Act.

35 (2) The Council shall arrange to have conducted an

1 independent evaluation of the effectiveness of this
2 program. The evaluation shall be updated annually and a
3 comprehensive review and evaluation shall be completed
4 after the end of the 2010-2011 school year.

5 Section 50. Rules. The State Board of Education shall,
6 upon recommendation of the Council of Advisers, promulgate the
7 rules necessary to implement the Act. The State Board shall
8 promulgate such rules only to the extent necessary to
9 facilitate the operation of this program and shall not use this
10 Act to create further substantive educational requirements on
11 any school, provided that rules may be promulgated to safeguard
12 against qualifying schools increasing qualified education
13 expenses for the sole purpose of gaining access to increased
14 voucher amounts.

15 Section 55. Notification. Beginning with the 2007-2008
16 school year, at the start of each school year, the chief
17 administrative officer of each school within a school district
18 organized under Article 34 of the School Code shall notify
19 custodians of qualifying pupils that vouchers are available.

20 Section 60. Repeal. This Act is repealed on July 1, 2011.

21 Section 100. The School Code is amended by changing Section
22 2-3.64 and by adding Sections 17-1.10 and 34-43.5 as follows:

23 (105 ILCS 5/2-3.64) (from Ch. 122, par. 2-3.64)

24 Sec. 2-3.64. State goals and assessment.

25 (a) Beginning in the 1998-1999 school year, the State Board
26 of Education shall establish standards and periodically, in
27 collaboration with local school districts, conduct studies of
28 student performance in the learning areas of fine arts and
29 physical development/health.

30 Beginning with the 1998-1999 school year until the
31 2004-2005 school year, the State Board of Education shall

1 annually test: (i) all pupils enrolled in the 3rd, 5th, and 8th
2 grades in English language arts (reading, writing, and English
3 grammar) and mathematics; and (ii) all pupils enrolled in the
4 4th and 7th grades in the biological and physical sciences and
5 the social sciences (history, geography, civics, economics,
6 and government). Unless the testing required to be implemented
7 no later than the 2005-2006 school year under this subsection
8 (a) is implemented for the 2004-2005 school year, for the
9 2004-2005 school year, the State Board of Education shall test:
10 (i) all pupils enrolled in the 3rd, 5th, and 8th grades in
11 English language arts (reading and English grammar) and
12 mathematics and (ii) all pupils enrolled in the 4th and 7th
13 grades in the biological and physical sciences. The maximum
14 time allowed for all actual testing required under this
15 paragraph shall not exceed 25 hours, as allocated among the
16 required tests by the State Board of Education, across all
17 grades tested.

18 Beginning no later than the 2005-2006 school year, the
19 State Board of Education shall annually test: (i) all pupils
20 enrolled in the 3rd, 4th, 5th, 6th, 7th, and 8th grades in
21 reading and mathematics and (ii) all pupils enrolled in the 4th
22 and 7th grades in the biological and physical sciences. In
23 addition, the State Board of Education shall test (1) all
24 pupils enrolled in the 5th and 8th grades in writing during the
25 2006-2007 school year; (2) all pupils enrolled in the 5th, 6th,
26 and 8th grades in writing during the 2007-2008 school year; and
27 (3) all pupils enrolled in the 3rd, 5th, 6th, and 8th grades in
28 writing during the 2008-2009 school year and each school year
29 thereafter. After the addition of grades and change in subjects
30 as delineated in this paragraph and including whatever other
31 tests that may be approved from time to time no later than the
32 2005-2006 school year, the maximum time allowed for all State
33 testing in grades 3 through 8 shall not exceed 38 hours across
34 those grades.

35 Beginning with the 2004-2005 school year, the State Board
36 of Education shall not test pupils under this subsection (a) in

1 physical development and health, fine arts, and the social
2 sciences (history, geography, civics, economics, and
3 government). The State Board of Education shall not test pupils
4 under this subsection (a) in writing during the 2005-2006
5 school year.

6 The State Board of Education shall establish the academic
7 standards that are to be applicable to pupils who are subject
8 to State tests under this Section beginning with the 1998-1999
9 school year. However, the State Board of Education shall not
10 establish any such standards in final form without first
11 providing opportunities for public participation and local
12 input in the development of the final academic standards. Those
13 opportunities shall include a well-publicized period of public
14 comment, public hearings throughout the State, and
15 opportunities to file written comments. Beginning with the
16 1998-99 school year and thereafter, the State tests will
17 identify pupils in the 3rd grade or 5th grade who do not meet
18 the State standards. The State Board of Education shall develop
19 unique student identifiers for test takers that allow teachers
20 to have the information needed to teach to the ability of the
21 student.

22 If, by performance on the State tests or local assessments
23 or by teacher judgment, a student's performance is determined
24 to be 2 or more grades below current placement, the student
25 shall be provided a remediation program developed by the
26 district in consultation with a parent or guardian. Such
27 remediation programs may include, but shall not be limited to,
28 increased or concentrated instructional time, a remedial
29 summer school program of not less than 90 hours, improved
30 instructional approaches, tutorial sessions, retention in
31 grade, and modifications to instructional materials. Each
32 pupil for whom a remediation program is developed under this
33 subsection shall be required to enroll in and attend whatever
34 program the district determines is appropriate for the pupil.
35 Districts may combine students in remediation programs where
36 appropriate and may cooperate with other districts in the

1 design and delivery of those programs. The parent or guardian
2 of a student required to attend a remediation program under
3 this Section shall be given written notice of that requirement
4 by the school district a reasonable time prior to commencement
5 of the remediation program that the student is to attend. The
6 State shall be responsible for providing school districts with
7 the new and additional funding, under Section 2-3.51.5 or by
8 other or additional means, that is required to enable the
9 districts to operate remediation programs for the pupils who
10 are required to enroll in and attend those programs under this
11 Section. Every individualized educational program as described
12 in Article 14 shall identify if the State test or components
13 thereof are appropriate for that student. The State Board of
14 Education shall develop rules and regulations governing the
15 administration of alternative tests prescribed within each
16 student's individualized educational program which are
17 appropriate to the disability of each student.

18 All pupils who are in a State approved transitional
19 bilingual education program or transitional program of
20 instruction shall participate in the State tests. The time
21 allotted to take the State tests, however, may be extended as
22 determined by the State Board of Education by rule. Any student
23 who has been enrolled in a State approved bilingual education
24 program less than 3 cumulative academic years may take an
25 accommodated Limited English Proficient student academic
26 content assessment, as determined by the State Board of
27 Education, if the student's lack of English as determined by an
28 English language proficiency test would keep the student from
29 understanding the regular State test. If the school district
30 determines, on a case-by-case individual basis, that a Limited
31 English Proficient student academic content assessment would
32 likely yield more accurate and reliable information on what the
33 student knows and can do, the school district may make a
34 determination to assess the student using a Limited English
35 Proficient student academic content assessment for a period
36 that does not exceed 2 additional consecutive years, provided

1 that the student has not yet reached a level of English
2 language proficiency sufficient to yield valid and reliable
3 information on what the student knows and can do on the regular
4 State test.

5 Reasonable accommodations as prescribed by the State Board
6 of Education shall be provided for individual students in the
7 testing procedure. All test procedures prescribed by the State
8 Board of Education shall require: (i) that each test used for
9 State and local student testing under this Section identify by
10 name the pupil taking the test; (ii) that the name of the pupil
11 taking the test be placed on the test at the time the test is
12 taken; (iii) that the results or scores of each test taken
13 under this Section by a pupil of the school district be
14 reported to that district and identify by name the pupil who
15 received the reported results or scores; and (iv) that the
16 results or scores of each test taken under this Section be made
17 available to the parents of the pupil. In addition, in each
18 school year the highest scores attained by a student on the
19 Prairie State Achievement Examination administered under
20 subsection (c) of this Section and any Prairie State
21 Achievement Awards received by the student shall become part of
22 the student's permanent record and shall be entered on the
23 student's transcript pursuant to regulations that the State
24 Board of Education shall promulgate for that purpose in
25 accordance with Section 3 and subsection (e) of Section 2 of
26 the Illinois School Student Records Act. Beginning with the
27 1998-1999 school year and in every school year thereafter,
28 scores received by students on the State assessment tests
29 administered in grades 3 through 8 shall be placed into
30 students' temporary records.

31 The State Board of Education shall establish a period of
32 time, to be referred to as the State test window, in each
33 school year for which State testing shall occur to meet the
34 objectives of this Section. However, if the schools of a
35 district are closed and classes are not scheduled during any
36 week that is established by the State Board of Education as the

1 State test window, the school district may (at the discretion
2 of the State Board of Education) move its State test window one
3 week earlier or one week later than the established State test
4 window, so long as the school district gives the State Board of
5 Education written notice of its intention to deviate from the
6 established schedule by December 1 of the school year in which
7 falls the State test window established by the State Board of
8 Education for the testing.

9 (a-5) All tests administered pursuant to this Section shall
10 be academically based. For the purposes of this Section
11 "academically based tests" shall mean tests consisting of
12 questions and answers that are measurable and quantifiable to
13 measure the knowledge, skill, and ability of students in the
14 subject matters covered by tests. The scoring of academically
15 based tests shall be reliable, valid, unbiased and shall meet
16 the guidelines for test development and use prescribed by the
17 American Psychological Association, the National Council of
18 Measurement and Evaluation, and the American Educational
19 Research Association. Academically based tests shall not
20 include assessments or evaluations of attitudes, values, or
21 beliefs, or testing of personality, self-esteem, or
22 self-concept. Nothing in this amendatory Act is intended, nor
23 shall it be construed, to nullify, supersede, or contradict the
24 legislative intent on academic testing expressed during the
25 passage of HB 1005/P.A. 90-296. Nothing in this Section is
26 intended, nor shall it be construed, to nullify, supersede, or
27 contradict the legislative intent on academic testing
28 expressed in the preamble of this amendatory Act of the 93rd
29 General Assembly.

30 The State Board of Education shall monitor the use of short
31 answer questions in the math and reading assessments or in
32 other assessments in order to demonstrate that the use of short
33 answer questions results in a statistically significant
34 improvement in student achievement as measured on the State
35 assessments for math and reading or on other State assessments
36 and is justifiable in terms of cost and student performance.

1 (b) It shall be the policy of the State to encourage school
2 districts to continuously test pupil proficiency in the
3 fundamental learning areas in order to: (i) provide timely
4 information on individual students' performance relative to
5 State standards that is adequate to guide instructional
6 strategies; (ii) improve future instruction; and (iii)
7 complement the information provided by the State testing system
8 described in this Section. Each district's school improvement
9 plan must address specific activities the district intends to
10 implement to assist pupils who by teacher judgment and test
11 results as prescribed in subsection (a) of this Section
12 demonstrate that they are not meeting State standards or local
13 objectives. Such activities may include, but shall not be
14 limited to, summer school, extended school day, special
15 homework, tutorial sessions, modified instructional materials,
16 other modifications in the instructional program, reduced
17 class size or retention in grade. To assist school districts in
18 testing pupil proficiency in reading in the primary grades, the
19 State Board shall make optional reading inventories for
20 diagnostic purposes available to each school district that
21 requests such assistance. Districts that administer the
22 reading inventories may develop remediation programs for
23 students who perform in the bottom half of the student
24 population. Those remediation programs may be funded by moneys
25 provided under the School Safety and Educational Improvement
26 Block Grant Program established under Section 2-3.51.5.
27 Nothing in this Section shall prevent school districts from
28 implementing testing and remediation policies for grades not
29 required under this Section.

30 (c) Beginning with the 2000-2001 school year, each school
31 district that operates a high school program for students in
32 grades 9 through 12 shall annually administer the Prairie State
33 Achievement Examination established under this subsection to
34 its students as set forth below. The Prairie State Achievement
35 Examination shall be developed by the State Board of Education
36 to measure student performance in the academic areas of

1 reading, writing, mathematics, science, and social sciences.
2 Beginning with the 2004-2005 school year, however, the State
3 Board of Education shall not test a student in the social
4 sciences (history, geography, civics, economics, and
5 government) as part of the Prairie State Achievement
6 Examination unless the student is retaking the Prairie State
7 Achievement Examination in the fall of 2004. In addition, the
8 State Board of Education shall not test a student in writing as
9 part of the Prairie State Achievement Examination during the
10 2005-2006 school year. The State Board of Education shall
11 establish the academic standards that are to apply in measuring
12 student performance on the Prairie State Achievement
13 Examination including the minimum examination score in each
14 area that will qualify a student to receive a Prairie State
15 Achievement Award from the State in recognition of the
16 student's excellent performance. Each school district that is
17 subject to the requirements of this subsection (c) shall afford
18 all students 2 opportunities to take the Prairie State
19 Achievement Examination beginning as late as practical during
20 the second semester of grade 11, but in no event before March
21 1. The State Board of Education shall annually notify districts
22 of the weeks during which these test administrations shall be
23 required to occur. Every individualized educational program as
24 described in Article 14 shall identify if the Prairie State
25 Achievement Examination or components thereof are appropriate
26 for that student. Each student, exclusive of a student whose
27 individualized educational program developed under Article 14
28 identifies the Prairie State Achievement Examination as
29 inappropriate for the student, shall be required to take the
30 examination in grade 11. For each academic area the State Board
31 of Education shall establish the score that qualifies for the
32 Prairie State Achievement Award on that portion of the
33 examination. Any student who fails to earn a qualifying score
34 for a Prairie State Achievement Award in any one or more of the
35 academic areas on the initial test administration or who wishes
36 to improve his or her score on any portion of the examination

1 shall be permitted to retake such portion or portions of the
2 examination during grade 12. Districts shall inform their
3 students of the timelines and procedures applicable to their
4 participation in every yearly administration of the Prairie
5 State Achievement Examination. Students receiving special
6 education services whose individualized educational programs
7 identify the Prairie State Achievement Examination as
8 inappropriate for them nevertheless shall have the option of
9 taking the examination, which shall be administered to those
10 students in accordance with standards adopted by the State
11 Board of Education to accommodate the respective disabilities
12 of those students. A student who successfully completes all
13 other applicable high school graduation requirements but fails
14 to receive a score on the Prairie State Achievement Examination
15 that qualifies the student for receipt of a Prairie State
16 Achievement Award shall nevertheless qualify for the receipt of
17 a regular high school diploma. In no case, however, shall a
18 student receive a regular high school diploma without taking
19 the Prairie State Achievement Examination, unless the student
20 is exempted from taking the Prairie State Achievement
21 Examination under this subsection (c) because (i) the student's
22 individualized educational program developed under Article 14
23 of this Code identifies the Prairie State Achievement
24 Examination as inappropriate for the student, (ii) the student
25 is exempt due to the student's lack of English language
26 proficiency under subsection (a) of this Section, or (iii) the
27 student is enrolled in a program of Adult and Continuing
28 Education as defined in the Adult Education Act.

29 (d) Beginning with the 2002-2003 school year, all schools
30 in this State that are part of the sample drawn by the National
31 Center for Education Statistics, in collaboration with their
32 school districts and the State Board of Education, shall
33 administer the biennial State academic assessments of 4th and
34 8th grade reading and mathematics under the National Assessment
35 of Educational Progress carried out under Section m11(b) (2) of
36 the National Education Statistics Act of 1994 (20 U.S.C. 9010)

1 if the Secretary of Education pays the costs of administering
2 the assessments.

3 (e) Beginning no later than the 2005-2006 school year,
4 subject to available federal funds to this State for the
5 purpose of student assessment, the State Board of Education
6 shall provide additional tests and assessment resources that
7 may be used by school districts for local diagnostic purposes.
8 These tests and resources shall include without limitation
9 additional high school writing, physical development and
10 health, and fine arts assessments. The State Board of Education
11 shall annually distribute a listing of these additional tests
12 and resources, using funds available from appropriations made
13 for student assessment purposes.

14 (f) For the assessment and accountability purposes of this
15 Section, "all pupils" includes those pupils enrolled in a
16 public or State-operated elementary school, secondary school,
17 or cooperative or joint agreement with a governing body or
18 board of control, a charter school operating in compliance with
19 the Charter Schools Law, a school operated by a regional office
20 of education under Section 13A-3 of this Code, or a public
21 school administered by a local public agency or the Department
22 of Human Services.

23 (Source: P.A. 93-426, eff. 8-5-03; 93-838, eff. 7-30-04;
24 93-857, eff. 8-3-04; 94-69, eff. 7-1-05; 94-642, eff. 1-1-06;
25 revised 10-11-05.)

26 (105 ILCS 5/17-1.10 new)

27 Sec. 17-1.10. Direct classroom expenditures.

28 (a) This Section applies beginning with the 2006-2007
29 school year.

30 (b) In this Section:

31 "Direct classroom expenditures" means the amount defined
32 by the National Center of Educational Statistics of the United
33 States Department of Education.

34 "Total operating expenditures" includes all operating
35 expenditures incurred for the benefit of elementary and

1 secondary education during that school year, except capital
2 expenditures. Debt service is a nonoperating expenditure.

3 (c) A school district must spend at least 65% of its total
4 operating expenditures on direct classroom expenditures. If a
5 school district's direct classroom expenditures for the
6 2006-2007 school year are less than 65% of its total operating
7 expenditures, then the district must increase its direct
8 classroom expenditures by at least 2 percentage points per
9 school year beginning with the 2007-2008 school year until at
10 least 65% of the district's total operating expenditures are
11 spent on direct classroom expenditures.

12 (d) At the end of each school year, the district
13 superintendent must submit to the State Superintendent of
14 Education a letter signed by the district superintendent
15 certifying the percentage of the school district's total
16 operating expenditures that were actually spent on direct
17 classroom expenditures for that school year.

18 (e) A school district that is unable to meet the
19 requirements of subsection (c) of this Section due to special
20 circumstances may apply for a one-year, renewable waiver
21 pursuant to Section 2-3.25g of this Code. The waiver request
22 must list the reasons why the district's direct classroom
23 expenditures cannot meet the requirements of subsection (c) of
24 this Section and describe the changes the district intends to
25 make in the subsequent year in order to meet the requirements
26 of subsection (c) of this Section.

27 (105 ILCS 5/34-43.5 new)

28 Sec. 34-43.5. Direct classroom expenditures.

29 (a) This Section applies beginning with the 2006-2007
30 school year.

31 (b) In this Section:

32 "Direct classroom expenditures" means the amount defined
33 by the National Center of Educational Statistics of the United
34 States Department of Education.

35 "Total operating expenditures" includes all operating

1 expenditures incurred for the benefit of elementary and
2 secondary education during that school year, except capital
3 expenditures. Debt service is a nonoperating expenditure.

4 (c) The school district must spend at least 65% of its
5 total operating expenditures on direct classroom expenditures.
6 If the school district's direct classroom expenditures for the
7 2006-2007 school year are less than 65% of its total operating
8 expenditures, then the district must increase its direct
9 classroom expenditures by at least 2 percentage points per
10 school year beginning with the 2007-2008 school year until at
11 least 65% of the district's total operating expenditures are
12 spent on direct classroom expenditures.

13 (d) At the end of each school year, the general
14 superintendent of schools must submit to the State
15 Superintendent of Education a letter signed by the general
16 superintendent of schools certifying the percentage of the
17 school district's total operating expenditures that were
18 actually spent on direct classroom expenditures for that school
19 year.

20 (e) If the school district is unable to meet the
21 requirements of subsection (c) of this Section due to special
22 circumstances, then the district may apply for a one-year,
23 renewable waiver pursuant to Section 2-3.25g of this Code. The
24 waiver request must list the reasons why the district's direct
25 classroom expenditures cannot meet the requirements of
26 subsection (c) of this Section and describe the changes the
27 district intends to make in the subsequent year in order to
28 meet the requirements of subsection (c) of this Section.

29 Section 900. The State Mandates Act is amended by adding
30 Section 8.30 as follows:

31 (30 ILCS 805/8.30 new)

32 Sec. 8.30. Exempt mandate. Notwithstanding Sections 6 and 8
33 of this Act, no reimbursement by the State is required for the
34 implementation of any mandate created by this amendatory Act of

1 the 94th General Assembly.

2 Section 999. Effective date. This Act takes effect upon
3 becoming law.