



Rep. Michael K. Smith

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09500HB2012ham001

LRB095 04824 NHT 32711 a

1 AMENDMENT TO HOUSE BILL 2012

2 AMENDMENT NO. _____. Amend House Bill 2012 on page 1, line
3 4, by replacing "Section" with "Sections 1A-4 and"; and

4 on page 1, immediately below line 5, by inserting the
5 following:

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

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

8 A. (Blank).

9 B. The Board shall determine the qualifications of and
10 appoint a chief education officer, to be known as the State
11 Superintendent of Education, who may be proposed by the
12 Governor and who shall serve at the pleasure of the Board and
13 pursuant to a performance-based contract linked to statewide
14 student performance and academic improvement within Illinois
15 schools. Upon expiration or buyout of the contract of the State
16 Superintendent of Education in office on the effective date of

1 this amendatory Act of the 93rd General Assembly, a State
2 Superintendent of Education shall be appointed by a State Board
3 of Education that includes the 7 new Board members who were
4 appointed to fill seats of members whose terms were terminated
5 on the effective date of this amendatory Act of the 93rd
6 General Assembly. Thereafter, a State Superintendent of
7 Education must, at a minimum, be appointed at the beginning of
8 each term of a Governor after that Governor has made
9 appointments to the Board. A performance-based contract issued
10 for the employment of a State Superintendent of Education
11 entered into on or after the effective date of this amendatory
12 Act of the 93rd General Assembly must expire no later than
13 February 1, 2007, and subsequent contracts must expire no later
14 than February 1 each 4 years thereafter. No contract shall be
15 extended or renewed beyond February 1, 2007 and February 1 each
16 4 years thereafter, but a State Superintendent of Education
17 shall serve until his or her successor is appointed. Each
18 contract entered into on or before January 8, 2007 with a State
19 Superintendent of Education must provide that the State Board
20 of Education may terminate the contract for cause, and the
21 State Board of Education shall not thereafter be liable for
22 further payments under the contract. With regard to this
23 amendatory Act of the 93rd General Assembly, it is the intent
24 of the General Assembly that, beginning with the Governor who
25 takes office on the second Monday of January, 2007, a State
26 Superintendent of Education be appointed at the beginning of

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

22 C. The powers and duties of the State Board of Education
23 shall encompass all duties delegated to the Office of
24 Superintendent of Public Instruction on January 12, 1975,
25 except as the law providing for such powers and duties is
26 thereafter amended, and such other powers and duties as the

1 General Assembly shall designate. The Board shall be
2 responsible for the educational policies and guidelines for
3 public schools, pre-school through grade 12 and Vocational
4 Education in the State of Illinois. The Board shall analyze the
5 present and future aims, needs, and requirements of education
6 in the State of Illinois and recommend to the General Assembly
7 the powers which should be exercised by the Board. The Board
8 shall recommend the passage and the legislation necessary to
9 determine the appropriate relationship between the Board and
10 local boards of education and the various State agencies and
11 shall recommend desirable modifications in the laws which
12 affect schools.

13 D. Two members of the Board shall be appointed by the
14 chairperson to serve on a standing joint Education Committee, 2
15 others shall be appointed from the Board of Higher Education, 2
16 others shall be appointed by the chairperson of the Illinois
17 Community College Board, and 2 others shall be appointed by the
18 chairperson of the Human Resource Investment Council. The
19 Committee shall be responsible for making recommendations
20 concerning the submission of any workforce development plan or
21 workforce training program required by federal law or under any
22 block grant authority. The Committee will be responsible for
23 developing policy on matters of mutual concern to elementary,
24 secondary and higher education such as Occupational and Career
25 Education, Teacher Preparation and Certification, Educational
26 Finance, Articulation between Elementary, Secondary and Higher

1 Education and Research and Planning. The joint Education
2 Committee shall meet at least quarterly and submit an annual
3 report of its findings, conclusions, and recommendations to the
4 State Board of Education, the Board of Higher Education, the
5 Illinois Community College Board, the Human Resource
6 Investment Council, the Governor, and the General Assembly. All
7 meetings of this Committee shall be official meetings for
8 reimbursement under this Act.

9 E. Five members of the Board shall constitute a quorum. A
10 majority vote of the members appointed, confirmed and serving
11 on the Board is required to approve any action, except that the
12 7 new Board members who were appointed to fill seats of members
13 whose terms were terminated on the effective date of this
14 amendatory act of the 93rd General Assembly may vote to approve
15 actions when appointed and serving.

16 The Board shall prepare and submit to the General Assembly
17 and the Governor on or before March 1, 2008 ~~January 14, 1976~~
18 and annually thereafter a report or reports of its findings and
19 recommendations. Such annual report shall contain a separate
20 section which provides a critique and analysis of the status of
21 education in Illinois and which identifies its specific
22 problems and recommends express solutions therefor. Such
23 annual report also shall contain the following information for
24 the preceding year ending on June 30: each act or omission of a
25 school district of which the State Board of Education has
26 knowledge as a consequence of scheduled, approved visits and

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

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

26 F. Upon appointment of the 7 new Board members who were

1 appointed to fill seats of members whose terms were terminated
2 on the effective date of this amendatory Act of the 93rd
3 General Assembly, the Board shall review all of its current
4 rules in an effort to streamline procedures, improve
5 efficiency, and eliminate unnecessary forms and paperwork.
6 (Source: P.A. 93-1036, eff. 9-14-04.)".