

# HB4232



## 95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4232

by Rep. Lou Lang

### SYNOPSIS AS INTRODUCED:

105 ILCS 5/1A-4

from Ch. 122, par. 1A-4

Amends the School Code. Makes a technical change in a Section concerning the powers and duties of the State Board of Education.

LRB095 15648 RAS 41652 b

A BILL FOR

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 School Code is amended by changing Section  
5 1A-4 as follows:

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

7 (Text of Section before amendment by P.A. 95-626)

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

9 A. (Blank).

10 B. The ~~The~~ Board shall determine the qualifications of and  
11 appoint a chief education officer, to be known as the State  
12 Superintendent of Education, who may be proposed by the  
13 Governor and who shall serve at the pleasure of the Board and  
14 pursuant to a performance-based contract linked to statewide  
15 student performance and academic improvement within Illinois  
16 schools. Upon expiration or buyout of the contract of the State  
17 Superintendent of Education in office on the effective date of  
18 this amendatory Act of the 93rd General Assembly, a State  
19 Superintendent of Education shall be appointed by a State Board  
20 of Education that includes the 7 new Board members who were  
21 appointed to fill seats of members whose terms were terminated  
22 on the effective date of this amendatory Act of the 93rd  
23 General Assembly. Thereafter, a State Superintendent of

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

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

16 C. The powers and duties of the State Board of Education  
17 shall encompass all duties delegated to the Office of  
18 Superintendent of Public Instruction on January 12, 1975,  
19 except as the law providing for such powers and duties is  
20 thereafter amended, and such other powers and duties as the  
21 General Assembly shall designate. The Board shall be  
22 responsible for the educational policies and guidelines for  
23 public schools, pre-school through grade 12 and Vocational  
24 Education in the State of Illinois. The Board shall analyze the  
25 present and future aims, needs, and requirements of education  
26 in the State of Illinois and recommend to the General Assembly

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

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

1 meetings of this Committee shall be official meetings for  
2 reimbursement under this Act.

3 E. Five members of the Board shall constitute a quorum. A  
4 majority vote of the members appointed, confirmed and serving  
5 on the Board is required to approve any action, except that the  
6 7 new Board members who were appointed to fill seats of members  
7 whose terms were terminated on the effective date of this  
8 amendatory act of the 93rd General Assembly may vote to approve  
9 actions when appointed and serving.

10 The Board shall prepare and submit to the General Assembly  
11 and the Governor on or before January 14, 1976 and annually  
12 thereafter a report or reports of its findings and  
13 recommendations. Such annual report shall contain a separate  
14 section which provides a critique and analysis of the status of  
15 education in Illinois and which identifies its specific  
16 problems and recommends express solutions therefor. Such  
17 annual report also shall contain the following information for  
18 the preceding year ending on June 30: each act or omission of a  
19 school district of which the State Board of Education has  
20 knowledge as a consequence of scheduled, approved visits and  
21 which constituted a failure by the district to comply with  
22 applicable State or federal laws or regulations relating to  
23 public education, the name of such district, the date or dates  
24 on which the State Board of Education notified the school  
25 district of such act or omission, and what action, if any, the  
26 school district took with respect thereto after being notified

1       thereof by the State Board of Education. The report shall also  
2       include the statewide high school dropout rate by grade level,  
3       sex and race and the annual student dropout rate of and the  
4       number of students who graduate from, transfer from or  
5       otherwise leave bilingual programs. The Auditor General shall  
6       annually perform a compliance audit of the State Board of  
7       Education's performance of the reporting duty imposed by this  
8       amendatory Act of 1986. A regular system of communication with  
9       other directly related State agencies shall be implemented.

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

20       F. Upon appointment of the 7 new Board members who were  
21       appointed to fill seats of members whose terms were terminated  
22       on the effective date of this amendatory Act of the 93rd  
23       General Assembly, the Board shall review all of its current  
24       rules in an effort to streamline procedures, improve  
25       efficiency, and eliminate unnecessary forms and paperwork.

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

1 (Text of Section after amendment by P.A. 95-626)

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

3 A. (Blank).

4 B. The ~~The~~ Board shall determine the qualifications of and  
5 appoint a chief education officer, to be known as the State  
6 Superintendent of Education, who may be proposed by the  
7 Governor and who shall serve at the pleasure of the Board and  
8 pursuant to a performance-based contract linked to statewide  
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19 each term of a Governor after that Governor has made  
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26 to act on the Board's behalf, provided such delegation is made

1 pursuant to adopted board policy or the powers delegated are  
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7 otherwise provided by law.

8 C. The powers and duties of the State Board of Education  
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10 Superintendent of Public Instruction on January 12, 1975,  
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4 chairperson of the Human Resource Investment Council. The  
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7 workforce training program required by federal law or under any  
8 block grant authority. The Committee will be responsible for  
9 developing policy on matters of mutual concern to elementary,  
10 secondary and higher education such as Occupational and Career  
11 Education, Teacher Preparation and Certification, Educational  
12 Finance, Articulation between Elementary, Secondary and Higher  
13 Education and Research and Planning. The joint Education  
14 Committee shall meet at least quarterly and submit an annual  
15 report of its findings, conclusions, and recommendations to the  
16 State Board of Education, the Board of Higher Education, the  
17 Illinois Community College Board, the Human Resource  
18 Investment Council, the Governor, and the General Assembly. All  
19 meetings of this Committee shall be official meetings for  
20 reimbursement under this Act. On the effective date of this  
21 amendatory Act of the 95th General Assembly, the Joint  
22 Education Committee is abolished.

23 E. Five members of the Board shall constitute a quorum. A  
24 majority vote of the members appointed, confirmed and serving  
25 on the Board is required to approve any action, except that the  
26 7 new Board members who were appointed to fill seats of members

1 whose terms were terminated on the effective date of this  
2 amendatory act of the 93rd General Assembly may vote to approve  
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12 the preceding year ending on June 30: each act or omission of a  
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14 knowledge as a consequence of scheduled, approved visits and  
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17 public education, the name of such district, the date or dates  
18 on which the State Board of Education notified the school  
19 district of such act or omission, and what action, if any, the  
20 school district took with respect thereto after being notified  
21 thereof by the State Board of Education. The report shall also  
22 include the statewide high school dropout rate by grade level,  
23 sex and race and the annual student dropout rate of and the  
24 number of students who graduate from, transfer from or  
25 otherwise leave bilingual programs. The Auditor General shall  
26 annually perform a compliance audit of the State Board of

1 Education's performance of the reporting duty imposed by this  
2 amendatory Act of 1986. A regular system of communication with  
3 other directly related State agencies shall be implemented.

4 The requirement for reporting to the General Assembly shall  
5 be satisfied by filing copies of the report with the Speaker,  
6 the Minority Leader and the Clerk of the House of  
7 Representatives and the President, the Minority Leader and the  
8 Secretary of the Senate and the Legislative Council, as  
9 required by Section 3.1 of the General Assembly Organization  
10 Act, and filing such additional copies with the State  
11 Government Report Distribution Center for the General Assembly  
12 as is required under paragraph (t) of Section 7 of the State  
13 Library Act.

14 F. Upon appointment of the 7 new Board members who were  
15 appointed to fill seats of members whose terms were terminated  
16 on the effective date of this amendatory Act of the 93rd  
17 General Assembly, the Board shall review all of its current  
18 rules in an effort to streamline procedures, improve  
19 efficiency, and eliminate unnecessary forms and paperwork.

20 (Source: P.A. 95-626, eff. 6-1-08.)

21 Section 95. No acceleration or delay. Where this Act makes  
22 changes in a statute that is represented in this Act by text  
23 that is not yet or no longer in effect (for example, a Section  
24 represented by multiple versions), the use of that text does  
25 not accelerate or delay the taking effect of (i) the changes

1 made by this Act or (ii) provisions derived from any other  
2 Public Act.