



## 96TH GENERAL ASSEMBLY

### State of Illinois

#### 2009 and 2010

#### SB3610

Introduced 2/11/2010, by Sen. Deanna Demuzio

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.11d	
105 ILCS 5/2-3.25g	from Ch. 122, par. 2-3.25g
105 ILCS 5/10-17a	from Ch. 122, par. 10-17a
105 ILCS 230/5-200	

Amends the School Code. Provides that on or before October 1, 2012 (instead of August 1, 2009) and every 3 years thereafter, the State Board of Education shall file with the General Assembly and the Governor and shall make available to the public a report listing the institutions of higher education engaged in teacher preparation in the State, along with other specified data pertinent to each institution. Deletes language that provides that on or before February 1, 1998, and each year thereafter, the State Board of Education shall submit a cumulative report summarizing all types of waivers of mandates and modifications of mandates granted by the State Board or the General Assembly. In provisions requiring a school to prepare a report assessing school performance, removes the requirement to include the average administrator salary and average teacher salary in the report. Amends the School Construction Law. Provides that each school year in which school energy efficiency project grants are awarded, 20% of the total amount awarded shall be awarded to a school district in a city with a population of more than 500,000 (currently, specifies only a school district with a population of more than 500,000), provided that the school district complies with the specified rules and requirements. Effective July 1, 2010.

LRB096 20747 MJR 36491 b

FISCAL NOTE ACT  
MAY APPLY

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 Sections  
5 2-3.11d, 2-3.25g, and 10-17a as follows:

6 (105 ILCS 5/2-3.11d)

7 Sec. 2-3.11d. Data on tests required for teacher  
8 preparation and certification. Beginning with the effective  
9 date of this amendatory Act of the 94th General Assembly, to  
10 collect and maintain all of the following data for each  
11 institution of higher education engaged in teacher preparation  
12 in this State:

13 (1) The number of individuals taking the test of basic  
14 skills under Section 21-1a of this Code.

15 (2) The number of individuals passing the test of basic  
16 skills under Section 21-1a of this Code.

17 (3) The total number of subject-matter tests attempted  
18 under Section 21-1a of this Code.

19 (4) The total number of subject-matter tests passed  
20 under Section 21-1a of this Code.

21 The data regarding subject-matter tests shall be reported in  
22 sum, rather than by separately listing each subject, in order  
23 to better protect the identity of the test-takers.

1           On or before August 1, 2007, the State Board of Education  
2 shall file with the General Assembly and the Governor and shall  
3 make available to the public a report listing the institutions  
4 of higher education engaged in teacher preparation in this  
5 State, along with the data listed in items (1) and (2) of this  
6 Section pertinent to each institution.

7           On or before October 1, 2012 ~~August 1, 2009~~ and every 3  
8 years thereafter, the State Board of Education shall file with  
9 the General Assembly and the Governor and shall make available  
10 to the public a report listing the institutions of higher  
11 education engaged in teacher preparation in this State, along  
12 with the data listed in items (1) through (4) of this Section  
13 pertinent to each institution.

14         (Source: P.A. 94-935, eff. 6-26-06.)

15           (105 ILCS 5/2-3.25g) (from Ch. 122, par. 2-3.25g)

16           Sec. 2-3.25g. Waiver or modification of mandates within the  
17 School Code and administrative rules and regulations.

18           (a) In this Section:

19                 "Board" means a school board or the governing board or  
20 administrative district, as the case may be, for a joint  
21 agreement.

22                 "Eligible applicant" means a school district, joint  
23 agreement made up of school districts, or regional  
24 superintendent of schools on behalf of schools and programs  
25 operated by the regional office of education.

1           "Implementation date" has the meaning set forth in  
2           Section 24A-2.5 of this Code.

3           "State Board" means the State Board of Education.

4           (b) Notwithstanding any other provisions of this School  
5           Code or any other law of this State to the contrary, eligible  
6           applicants may petition the State Board of Education for the  
7           waiver or modification of the mandates of this School Code or  
8           of the administrative rules and regulations promulgated by the  
9           State Board of Education. Waivers or modifications of  
10          administrative rules and regulations and modifications of  
11          mandates of this School Code may be requested when an eligible  
12          applicant demonstrates that it can address the intent of the  
13          rule or mandate in a more effective, efficient, or economical  
14          manner or when necessary to stimulate innovation or improve  
15          student performance. Waivers of mandates of the School Code may  
16          be requested when the waivers are necessary to stimulate  
17          innovation or improve student performance. Waivers may not be  
18          requested from laws, rules, and regulations pertaining to  
19          special education, teacher certification, teacher tenure and  
20          seniority, or Section 5-2.1 of this Code or from compliance  
21          with the No Child Left Behind Act of 2001 (Public Law 107-110).  
22          On and after the applicable implementation date, eligible  
23          applicants may not seek a waiver or seek a modification of a  
24          mandate regarding the requirements for (i) student performance  
25          data to be a significant factor in teacher or principal  
26          evaluations or (ii) for teachers and principals to be rated

1 using the 4 categories of "excellent", "proficient", "needs  
2 improvement", or "unsatisfactory". On the applicable  
3 implementation date, any previously authorized waiver or  
4 modification from such requirements shall terminate.

5 (c) Eligible applicants, as a matter of inherent managerial  
6 policy, and any Independent Authority established under  
7 Section 2-3.25f may submit an application for a waiver or  
8 modification authorized under this Section. Each application  
9 must include a written request by the eligible applicant or  
10 Independent Authority and must demonstrate that the intent of  
11 the mandate can be addressed in a more effective, efficient, or  
12 economical manner or be based upon a specific plan for improved  
13 student performance and school improvement. Any eligible  
14 applicant requesting a waiver or modification for the reason  
15 that intent of the mandate can be addressed in a more  
16 economical manner shall include in the application a fiscal  
17 analysis showing current expenditures on the mandate and  
18 projected savings resulting from the waiver or modification.  
19 Applications and plans developed by eligible applicants must be  
20 approved by the board or regional superintendent of schools  
21 applying on behalf of schools or programs operated by the  
22 regional office of education following a public hearing on the  
23 application and plan and the opportunity for the board or  
24 regional superintendent to hear testimony from staff directly  
25 involved in its implementation, parents, and students. The time  
26 period for such testimony shall be separate from the time

1 period established by the eligible applicant for public comment  
2 on other matters. If the applicant is a school district or  
3 joint agreement requesting a waiver or modification of Section  
4 27-6 of this Code, the public hearing shall be held on a day  
5 other than the day on which a regular meeting of the board is  
6 held. If the applicant is a school district, the public hearing  
7 must be preceded by at least one published notice occurring at  
8 least 7 days prior to the hearing in a newspaper of general  
9 circulation within the school district that sets forth the  
10 time, date, place, and general subject matter of the hearing.  
11 If the applicant is a joint agreement or regional  
12 superintendent, the public hearing must be preceded by at least  
13 one published notice (setting forth the time, date, place, and  
14 general subject matter of the hearing) occurring at least 7  
15 days prior to the hearing in a newspaper of general circulation  
16 in each school district that is a member of the joint agreement  
17 or that is served by the educational service region, provided  
18 that a notice appearing in a newspaper generally circulated in  
19 more than one school district shall be deemed to fulfill this  
20 requirement with respect to all of the affected districts. The  
21 eligible applicant must notify in writing the affected  
22 exclusive collective bargaining agent and those State  
23 legislators representing the eligible applicant's territory of  
24 its intent to seek approval of a waiver or modification and of  
25 the hearing to be held to take testimony from staff. The  
26 affected exclusive collective bargaining agents shall be

1 notified of such public hearing at least 7 days prior to the  
2 date of the hearing and shall be allowed to attend such public  
3 hearing. The eligible applicant shall attest to compliance with  
4 all of the notification and procedural requirements set forth  
5 in this Section.

6 (d) A request for a waiver or modification of  
7 administrative rules and regulations or for a modification of  
8 mandates contained in this School Code shall be submitted to  
9 the State Board of Education within 15 days after approval by  
10 the board or regional superintendent of schools. The  
11 application as submitted to the State Board of Education shall  
12 include a description of the public hearing. Following receipt  
13 of the request, the State Board shall have 45 days to review  
14 the application and request. If the State Board fails to  
15 disapprove the application within that 45 day period, the  
16 waiver or modification shall be deemed granted. The State Board  
17 may disapprove any request if it is not based upon sound  
18 educational practices, endangers the health or safety of  
19 students or staff, compromises equal opportunities for  
20 learning, or fails to demonstrate that the intent of the rule  
21 or mandate can be addressed in a more effective, efficient, or  
22 economical manner or have improved student performance as a  
23 primary goal. Any request disapproved by the State Board may be  
24 appealed to the General Assembly by the eligible applicant as  
25 outlined in this Section.

26 A request for a waiver from mandates contained in this

1 School Code shall be submitted to the State Board within 15  
2 days after approval by the board or regional superintendent of  
3 schools. The application as submitted to the State Board of  
4 Education shall include a description of the public hearing.  
5 The description shall include, but need not be limited to, the  
6 means of notice, the number of people in attendance, the number  
7 of people who spoke as proponents or opponents of the waiver, a  
8 brief description of their comments, and whether there were any  
9 written statements submitted. The State Board shall review the  
10 applications and requests for completeness and shall compile  
11 the requests in reports to be filed with the General Assembly.  
12 The State Board shall file reports outlining the waivers  
13 requested by eligible applicants and appeals by eligible  
14 applicants of requests disapproved by the State Board with the  
15 Senate and the House of Representatives before each March 1 and  
16 October 1. The General Assembly may disapprove the report of  
17 the State Board in whole or in part within 60 calendar days  
18 after each house of the General Assembly next convenes after  
19 the report is filed by adoption of a resolution by a record  
20 vote of the majority of members elected in each house. If the  
21 General Assembly fails to disapprove any waiver request or  
22 appealed request within such 60 day period, the waiver or  
23 modification shall be deemed granted. Any resolution adopted by  
24 the General Assembly disapproving a report of the State Board  
25 in whole or in part shall be binding on the State Board.

26 (e) An approved waiver or modification (except a waiver



1 from or modification to a physical education mandate) may  
2 remain in effect for a period not to exceed 5 school years and  
3 may be renewed upon application by the eligible applicant.  
4 However, such waiver or modification may be changed within that  
5 5-year period by a board or regional superintendent of schools  
6 applying on behalf of schools or programs operated by the  
7 regional office of education following the procedure as set  
8 forth in this Section for the initial waiver or modification  
9 request. If neither the State Board of Education nor the  
10 General Assembly disapproves, the change is deemed granted.

11 An approved waiver from or modification to a physical  
12 education mandate may remain in effect for a period not to  
13 exceed 2 school years and may be renewed no more than 2 times  
14 upon application by the eligible applicant. An approved waiver  
15 from or modification to a physical education mandate may be  
16 changed within the 2-year period by the board or regional  
17 superintendent of schools, whichever is applicable, following  
18 the procedure set forth in this Section for the initial waiver  
19 or modification request. If neither the State Board of  
20 Education nor the General Assembly disapproves, the change is  
21 deemed granted.

22 (f) (Blank). ~~On or before February 1, 1998, and each year~~  
23 ~~thereafter, the State Board of Education shall submit a~~  
24 ~~cumulative report summarizing all types of waivers of mandates~~  
25 ~~and modifications of mandates granted by the State Board or the~~  
26 ~~General Assembly. The report shall identify the topic of the~~

1 ~~waiver along with the number and percentage of eligible~~  
2 ~~applicants for which the waiver has been granted. The report~~  
3 ~~shall also include any recommendations from the State Board~~  
4 ~~regarding the repeal or modification of waived mandates.~~

5 (Source: P.A. 95-223, eff. 1-1-08; 96-861, eff. 1-15-10.)

6 (105 ILCS 5/10-17a) (from Ch. 122, par. 10-17a)

7 Sec. 10-17a. Better schools accountability.

8 (1) Policy and Purpose. It shall be the policy of the State  
9 of Illinois that each school district in this State, including  
10 special charter districts and districts subject to the  
11 provisions of Article 34, shall submit to parents, taxpayers of  
12 such district, the Governor, the General Assembly, and the  
13 State Board of Education a school report card assessing the  
14 performance of its schools and students. The report card shall  
15 be an index of school performance measured against statewide  
16 and local standards and will provide information to make prior  
17 year comparisons and to set future year targets through the  
18 school improvement plan.

19 (2) Reporting Requirements. Each school district shall  
20 prepare a report card in accordance with the guidelines set  
21 forth in this Section which describes the performance of its  
22 students by school attendance centers and by district and the  
23 district's financial resources and use of financial resources.  
24 Such report card shall be presented at a regular school board  
25 meeting subject to applicable notice requirements, posted on

1 the school district's Internet web site, if the district  
2 maintains an Internet web site, made available to a newspaper  
3 of general circulation serving the district, and, upon request,  
4 sent home to a parent (unless the district does not maintain an  
5 Internet web site, in which case the report card shall be sent  
6 home to parents without request). If the district posts the  
7 report card on its Internet web site, the district shall send a  
8 written notice home to parents stating (i) that the report card  
9 is available on the web site, (ii) the address of the web site,  
10 (iii) that a printed copy of the report card will be sent to  
11 parents upon request, and (iv) the telephone number that  
12 parents may call to request a printed copy of the report card.  
13 In addition, each school district shall submit the completed  
14 report card to the office of the district's Regional  
15 Superintendent which shall make copies available to any  
16 individuals requesting them.

17 The report card shall be completed and disseminated prior  
18 to October 31 in each school year. The report card shall  
19 contain, but not be limited to, actual local school attendance  
20 center, school district and statewide data indicating the  
21 present performance of the school, the State norms and the  
22 areas for planned improvement for the school and school  
23 district.

24 (3) (a) The report card shall include the following  
25 applicable indicators of attendance center, district, and  
26 statewide student performance: percent of students who exceed,

1 meet, or do not meet standards established by the State Board  
2 of Education pursuant to Section 2-3.25a; composite and subtest  
3 means on nationally normed achievement tests for college bound  
4 students; student attendance rates; chronic truancy rate;  
5 dropout rate; graduation rate; and student mobility, turnover  
6 shown as a percent of transfers out and a percent of transfers  
7 in.

8 (b) The report card shall include the following  
9 descriptions for the school, district, and State: average class  
10 size; amount of time per day devoted to mathematics, science,  
11 English and social science at primary, middle and junior high  
12 school grade levels; number of students taking the Prairie  
13 State Achievement Examination under subsection (c) of Section  
14 2-3.64, the number of those students who received a score of  
15 excellent, and the average score by school of students taking  
16 the examination; pupil-teacher ratio; pupil-administrator  
17 ratio; operating expenditure per pupil; and district  
18 expenditure by fund; ~~average administrator salary; and average~~  
19 ~~teacher salary~~. The report card shall also specify the amount  
20 of money that the district receives from all sources, including  
21 without limitation subcategories specifying the amount from  
22 local property taxes, the amount from general State aid, the  
23 amount from other State funding, and the amount from other  
24 income.

25 (c) The report card shall include applicable indicators of  
26 parental involvement in each attendance center. The parental

1 involvement component of the report card shall include the  
2 percentage of students whose parents or guardians have had one  
3 or more personal contacts with the students' teachers during  
4 the school year concerning the students' education, and such  
5 other information, commentary, and suggestions as the school  
6 district desires. For the purposes of this paragraph, "personal  
7 contact" includes, but is not limited to, parent-teacher  
8 conferences, parental visits to school, school visits to home,  
9 telephone conversations, and written correspondence. The  
10 parental involvement component shall not single out or identify  
11 individual students, parents, or guardians by name.

12 (d) The report card form shall be prepared by the State  
13 Board of Education and provided to school districts by the most  
14 efficient, economic, and appropriate means.

15 (Source: P.A. 95-331, eff. 8-21-07.)

16 Section 10. The School Construction Law is amended by  
17 changing Section 5-200 as follows:

18 (105 ILCS 230/5-200)

19 Sec. 5-200. School energy efficiency grants.

20 (a) The State Board of Education is authorized to make  
21 grants to school districts, without regard to enrollment, for  
22 school energy efficiency projects. These grants shall be paid  
23 out of moneys appropriated for that purpose from the School  
24 Infrastructure Fund. No grant under this Section for one fiscal

1 year shall exceed \$250,000, but a school district may receive  
2 grants for more than one project during one fiscal year. A  
3 school district must provide local matching funds in an amount  
4 equal to the amount of the grant under this Section. A school  
5 district has no entitlement to a grant under this Section.

6 (b) The State Board of Education shall adopt rules to  
7 implement this Section. These rules need not be the same as the  
8 rules for school construction project grants or school  
9 maintenance project grants. The rules may specify:

10 (1) the manner of applying for grants;

11 (2) project eligibility requirements;

12 (3) restrictions on the use of grant moneys;

13 (4) the manner in which school districts must account  
14 for the use of grant moneys; and

15 (5) any other provision that the State Board determines  
16 to be necessary or useful for the administration of this  
17 Section.

18 (c) In each school year in which school energy efficiency  
19 project grants are awarded, 20% of the total amount awarded  
20 shall be awarded to a school district in a city with a  
21 population of more than 500,000, provided that the school  
22 district complies with the requirements of this Section and the  
23 rules adopted under this Section.

24 (Source: P.A. 96-37, eff. 7-13-09.)

25 Section 99. Effective date. This Act takes effect July 1,  
26 2010.