



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB0287

Introduced 01/28/11, by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-20.9a	from Ch. 122, par. 10-20.9a
105 ILCS 5/14-6.01	from Ch. 122, par. 14-6.01
105 ILCS 5/22-65 new	

Amends the School Code. Creates the Committee on the Retention of Students. Provides that, prior to retention in a grade, a school district must submit the names of all students determined by the school district to not qualify for promotion to the next higher grade and the reason for that determination. Provides that the Committee shall review the school district's decision to retain with respect to each student and shall make the final decision regarding whether or not to retain a particular student. Provides that the Committee may vote to prohibit a school district from retaining a student if the Committee determines that the student is being retained due to inadequate instruction, resources, or facilities provided by the school district or due to the student having an undiagnosed learning disability. Requires the State Board of Education to adopt rules to implement these provisions. Amends the Children with Disabilities Article to provide that a child with a learning disability must not be denied promotion, graduation, or a general diploma on the basis of failing a minimal competency test when such failure can be directly related to the disabling condition of the student. Effective immediately.

LRB097 00040 NHT 40155 b

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 5. The School Code is amended by changing Sections
5 10-20.9a and 14-6.01 and by adding Section 22-65 as follows:

6 (105 ILCS 5/10-20.9a) (from Ch. 122, par. 10-20.9a)
7 Sec. 10-20.9a. Final Grade; Promotion.

8 (a) Teachers shall administer the approved marking system
9 or other approved means of evaluating pupil progress. The
10 teacher shall maintain the responsibility and right to
11 determine grades and other evaluations of students within the
12 grading policies of the district based upon his or her
13 professional judgment of available criteria pertinent to any
14 given subject area or activity for which he or she is
15 responsible. District policy shall provide the procedure and
16 reasons by and for which a grade may be changed; provided that
17 no grade or evaluation shall be changed without notification to
18 the teacher concerning the nature and reasons for such change.
19 If such a change is made, the person making the change shall
20 assume such responsibility for determining the grade or
21 evaluation, and shall initial such change.

22 (b) School districts shall not promote students to the next
23 higher grade level based upon age or any other social reasons

1 not related to the academic performance of the students. On or
2 before September 1, 1998, school boards shall adopt and enforce
3 a policy on promotion as they deem necessary to ensure that
4 students meet local goals and objectives and can perform at the
5 expected grade level prior to promotion. Decisions to promote
6 or retain students in any classes shall be based on successful
7 completion of the curriculum, attendance, performance based on
8 Illinois Goals and Assessment Program tests, the Iowa Test of
9 Basic Skills, or other testing or any other criteria
10 established by the school board. Students determined by the
11 local district to not qualify for promotion to the next higher
12 grade shall be provided remedial assistance, which may include,
13 but shall not be limited to, a summer bridge program of no less
14 than 90 hours, tutorial sessions, increased or concentrated
15 instructional time, modifications to instructional materials,
16 and retention in grade, subject to Section 22-65 of this Code.

17 (Source: P.A. 89-610, eff. 8-6-96; 90-548, eff. 1-1-98.)

18 (105 ILCS 5/14-6.01) (from Ch. 122, par. 14-6.01)

19 Sec. 14-6.01. Powers and duties of school boards. School
20 boards of one or more school districts establishing and
21 maintaining any of the educational facilities described in this
22 Article shall, in connection therewith, exercise similar
23 powers and duties as are prescribed by law for the
24 establishment, maintenance and management of other recognized
25 educational facilities. Such school boards shall include only

1 eligible children in the program and shall comply with all the
2 requirements of this Article and all rules and regulations
3 established by the State Board of Education. Such school boards
4 shall accept in part-time attendance children with
5 disabilities of the types described in Sections 14-1.02 through
6 14-1.07 who are enrolled in nonpublic schools. A request for
7 part-time attendance must be submitted by a parent or guardian
8 of the disabled child and may be made only to those public
9 schools located in the district where the child attending the
10 nonpublic school resides; however, nothing in this Section
11 shall be construed as prohibiting an agreement between the
12 district where the child resides and another public school
13 district to provide special educational services if such an
14 arrangement is deemed more convenient and economical. Special
15 educational services shall be provided to such students as soon
16 as possible after the identification, evaluation and placement
17 procedures provided in Section 14-8.02, but no later than the
18 beginning of the next school semester following the completion
19 of such procedures. Transportation for students in part time
20 attendance shall be provided only if required in the child's
21 individualized educational program on the basis of the child's
22 disabling condition or as the special education program
23 location may require.

24 A school board shall publish a public notice in its
25 newsletter of general circulation or in the newsletter of
26 another governmental entity of general circulation in the

1 district or if neither is available in the district, then in a
2 newspaper of general circulation in the district, the right of
3 all children with disabilities to a free appropriate public
4 education as provided under this Code. Such notice shall
5 identify the location and phone number of the office or agent
6 of the school district to whom inquiries should be directed
7 regarding the identification, assessment and placement of such
8 children.

9 School boards shall immediately provide upon request by any
10 person written materials and other information that indicates
11 the specific policies, procedures, rules and regulations
12 regarding the identification, evaluation or educational
13 placement of children with disabilities under Section 14-8.02
14 of the School Code. Such information shall include information
15 regarding all rights and entitlements of such children under
16 this Code, and of the opportunity to present complaints with
17 respect to any matter relating to educational placement of the
18 student, or the provision of a free appropriate public
19 education and to have an impartial due process hearing on the
20 complaint. The notice shall inform the parents or guardian in
21 the parents' or guardian's native language, unless it is
22 clearly not feasible to do so, of their rights and all
23 procedures available pursuant to this Act and federal Public
24 Law 94-142; it shall be the responsibility of the State
25 Superintendent to develop uniform notices setting forth the
26 procedures available under this Act and federal Public Law

1 94-142, as amended, to be used by all school boards. The notice
2 shall also inform the parents or guardian of the availability
3 upon request of a list of free or low-cost legal and other
4 relevant services available locally to assist parents or
5 guardians in exercising rights or entitlements under this Code.

6 Any parent or guardian who is deaf, or does not normally
7 communicate using spoken English, who participates in a meeting
8 with a representative of a local educational agency for the
9 purposes of developing an individualized educational program
10 shall be entitled to the services of an interpreter.

11 No disabled student or child with a learning disability may
12 be denied promotion, graduation or a general diploma on the
13 basis of failing a minimal competency test when such failure
14 can be directly related to the disabling condition of the
15 student. For the purpose of this Act, "minimal competency
16 testing" is defined as tests which are constructed to measure
17 the acquisition of skills to or beyond a certain defined
18 standard.

19 Effective July 1, 1966, high school districts are
20 financially responsible for the education of pupils with
21 disabilities who are residents in their districts when such
22 pupils have reached age 15 but may admit children with
23 disabilities into special educational facilities without
24 regard to graduation from the eighth grade after such pupils
25 have reached the age of 14 1/2 years. Upon a disabled pupil's
26 attaining the age of 14 1/2 years, it shall be the duty of the

1 elementary school district in which the pupil resides to notify
2 the high school district in which the pupil resides of the
3 pupil's current eligibility for special education services, of
4 the pupil's current program, and of all evaluation data upon
5 which the current program is based. After an examination of
6 that information the high school district may accept the
7 current placement and all subsequent timelines shall be
8 governed by the current individualized educational program; or
9 the high school district may elect to conduct its own
10 evaluation and multidisciplinary staff conference and
11 formulate its own individualized educational program, in which
12 case the procedures and timelines contained in Section 14-8.02
13 shall apply.

14 (Source: P.A. 89-397, eff. 8-20-95.)

15 (105 ILCS 5/22-65 new)

16 Sec. 22-65. Committee on the Retention of Students.

17 (a) There is created the Committee on the Retention of
18 Students. The Committee shall consist of 3 members appointed by
19 the Speaker of the House of Representatives, 3 members
20 appointed by the President of the Senate, and one member
21 appointed by the Governor. The Committee shall also consist of
22 one non-voting member from the State Board of Education
23 appointed by the State Superintendent of Education to serve in
24 an advisory capacity. Each member shall serve at the discretion
25 of the person who appointed him or her. The members of the

1 Committee shall be reimbursed for their travel expenses from
2 appropriations to the State Board of Education available for
3 that purpose and subject to the rules of the appropriate travel
4 control board. The State Board of Education shall provide
5 administrative and other support to the Committee.

6 (b) Prior to retention in a grade, a school district must
7 submit, by a date as set by the Committee, the names of all
8 students determined by the school district to not qualify for
9 promotion to the next higher grade and the reason for that
10 determination. The Committee shall review the school
11 district's decision to retain with respect to each student and
12 shall make the final decision regarding whether or not to
13 retain a particular student. The Committee may vote to prohibit
14 the school district from retaining a student if the Committee
15 determines that the student is being retained due to inadequate
16 instruction, resources, or facilities provided by the school
17 district or due to the student having an undiagnosed learning
18 disability.

19 (c) The State Board of Education shall adopt rules to
20 implement this Section.

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.