



Rep. Mary E. Flowers

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LRB097 00040 NHT 52813 a

1 AMENDMENT TO HOUSE BILL 287

2 AMENDMENT NO. _____. Amend House Bill 287 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections
5 10-20.9a and 14-6.01 and by adding Sections 10-20.53 and
6 34-18.45 as follows:

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

9 (a) Teachers shall administer the approved marking system
10 or other approved means of evaluating pupil progress. The
11 teacher shall maintain the responsibility and right to
12 determine grades and other evaluations of students within the
13 grading policies of the district based upon his or her
14 professional judgment of available criteria pertinent to any
15 given subject area or activity for which he or she is
16 responsible. District policy shall provide the procedure and

1 reasons by and for which a grade may be changed; provided that
2 no grade or evaluation shall be changed without notification to
3 the teacher concerning the nature and reasons for such change.
4 If such a change is made, the person making the change shall
5 assume such responsibility for determining the grade or
6 evaluation, and shall initial such change.

7 (b) School districts shall not promote students to the next
8 higher grade level based upon age or any other social reasons
9 not related to the academic performance of the students. On or
10 before September 1, 1998, school boards shall adopt and enforce
11 a policy on promotion as they deem necessary to ensure that
12 students meet local goals and objectives and can perform at the
13 expected grade level prior to promotion. Decisions to promote
14 or retain students in any classes shall be based on successful
15 completion of the curriculum, attendance, performance based on
16 Illinois Goals and Assessment Program tests, the Iowa Test of
17 Basic Skills, or other testing or any other criteria
18 established by the school board. Students determined by the
19 local district to not qualify for promotion to the next higher
20 grade shall be provided remedial assistance, which may include,
21 but shall not be limited to, a summer bridge program of no less
22 than 90 hours, tutorial sessions, increased or concentrated
23 instructional time, modifications to instructional materials,
24 and retention in grade, subject to Section 10-20.53 of this
25 Code.

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

1 (105 ILCS 5/10-20.53 new)

2 Sec. 10-20.53. Committee on the retention of students.

3 (a) A school board may create a committee on the retention
4 of students. The committee shall consist of the district
5 superintendent or his or her designee, a district administrator
6 who directs student instruction and curriculum, a principal
7 from a school of the district, and a teacher from a school of
8 the district.

9 (b) Prior to retention in a grade, a school may submit, by
10 a date as set by the committee on the retention of students,
11 the names of all students determined by the school to not
12 qualify for promotion to the next higher grade and the reason
13 for that determination. The committee shall review the school's
14 decision to retain with respect to each student and shall make
15 a final decision regarding whether or not to retain a
16 particular student. The committee shall take into
17 consideration the performance evaluation of the student's
18 teacher or teachers pursuant to Article 24A of this Code. The
19 committee may vote to prohibit the school district from
20 retaining the student if the committee determines that the
21 student is being retained due to inadequate instruction,
22 resources, or facilities provided by the school district or due
23 to the student having an undiagnosed learning disability.

24 (105 ILCS 5/14-6.01) (from Ch. 122, par. 14-6.01)

1 Sec. 14-6.01. Powers and duties of school boards. School
2 boards of one or more school districts establishing and
3 maintaining any of the educational facilities described in this
4 Article shall, in connection therewith, exercise similar
5 powers and duties as are prescribed by law for the
6 establishment, maintenance and management of other recognized
7 educational facilities. Such school boards shall include only
8 eligible children in the program and shall comply with all the
9 requirements of this Article and all rules and regulations
10 established by the State Board of Education. Such school boards
11 shall accept in part-time attendance children with
12 disabilities of the types described in Sections 14-1.02 through
13 14-1.07 who are enrolled in nonpublic schools. A request for
14 part-time attendance must be submitted by a parent or guardian
15 of the disabled child and may be made only to those public
16 schools located in the district where the child attending the
17 nonpublic school resides; however, nothing in this Section
18 shall be construed as prohibiting an agreement between the
19 district where the child resides and another public school
20 district to provide special educational services if such an
21 arrangement is deemed more convenient and economical. Special
22 educational services shall be provided to such students as soon
23 as possible after the identification, evaluation and placement
24 procedures provided in Section 14-8.02, but no later than the
25 beginning of the next school semester following the completion
26 of such procedures. Transportation for students in part time

1 attendance shall be provided only if required in the child's
2 individualized educational program on the basis of the child's
3 disabling condition or as the special education program
4 location may require.

5 A school board shall publish a public notice in its
6 newsletter of general circulation or in the newsletter of
7 another governmental entity of general circulation in the
8 district or if neither is available in the district, then in a
9 newspaper of general circulation in the district, the right of
10 all children with disabilities to a free appropriate public
11 education as provided under this Code. Such notice shall
12 identify the location and phone number of the office or agent
13 of the school district to whom inquiries should be directed
14 regarding the identification, assessment and placement of such
15 children.

16 School boards shall immediately provide upon request by any
17 person written materials and other information that indicates
18 the specific policies, procedures, rules and regulations
19 regarding the identification, evaluation or educational
20 placement of children with disabilities under Section 14-8.02
21 of the School Code. Such information shall include information
22 regarding all rights and entitlements of such children under
23 this Code, and of the opportunity to present complaints with
24 respect to any matter relating to educational placement of the
25 student, or the provision of a free appropriate public
26 education and to have an impartial due process hearing on the

1 complaint. The notice shall inform the parents or guardian in
2 the parents' or guardian's native language, unless it is
3 clearly not feasible to do so, of their rights and all
4 procedures available pursuant to this Act and federal Public
5 Law 94-142; it shall be the responsibility of the State
6 Superintendent to develop uniform notices setting forth the
7 procedures available under this Act and federal Public Law
8 94-142, as amended, to be used by all school boards. The notice
9 shall also inform the parents or guardian of the availability
10 upon request of a list of free or low-cost legal and other
11 relevant services available locally to assist parents or
12 guardians in exercising rights or entitlements under this Code.

13 Any parent or guardian who is deaf, or does not normally
14 communicate using spoken English, who participates in a meeting
15 with a representative of a local educational agency for the
16 purposes of developing an individualized educational program
17 shall be entitled to the services of an interpreter.

18 No disabled student or child with a learning disability may
19 be denied promotion, graduation or a general diploma on the
20 basis of failing a minimal competency test when such failure
21 can be directly related to the disabling condition of the
22 student. For the purpose of this Act, "minimal competency
23 testing" is defined as tests which are constructed to measure
24 the acquisition of skills to or beyond a certain defined
25 standard.

26 Effective July 1, 1966, high school districts are

1 financially responsible for the education of pupils with
2 disabilities who are residents in their districts when such
3 pupils have reached age 15 but may admit children with
4 disabilities into special educational facilities without
5 regard to graduation from the eighth grade after such pupils
6 have reached the age of 14 1/2 years. Upon a disabled pupil's
7 attaining the age of 14 1/2 years, it shall be the duty of the
8 elementary school district in which the pupil resides to notify
9 the high school district in which the pupil resides of the
10 pupil's current eligibility for special education services, of
11 the pupil's current program, and of all evaluation data upon
12 which the current program is based. After an examination of
13 that information the high school district may accept the
14 current placement and all subsequent timelines shall be
15 governed by the current individualized educational program; or
16 the high school district may elect to conduct its own
17 evaluation and multidisciplinary staff conference and
18 formulate its own individualized educational program, in which
19 case the procedures and timelines contained in Section 14-8.02
20 shall apply.

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

22 (105 ILCS 5/34-18.45 new)

23 Sec. 34-18.45. Committee on the retention of students.

24 (a) The board may create a committee on the retention of
25 students. The committee shall consist of the general

1 superintendent of schools or his or her designee, a district
2 administrator who directs student instruction and curriculum,
3 a principal from a school of the district, and a teacher from a
4 school of the district.

5 (b) Prior to retention in a grade, a school may submit, by
6 a date as set by the committee on the retention of students,
7 the names of all students determined by the school to not
8 qualify for promotion to the next higher grade and the reason
9 for that determination. The committee shall review the school's
10 decision to retain with respect to each student and shall make
11 a final decision regarding whether or not to retain a
12 particular student. The committee shall take into
13 consideration the performance evaluation of the student's
14 teacher or teachers pursuant to Article 24A of this Code. The
15 committee may vote to prohibit the school district from
16 retaining the student if the committee determines that the
17 student is being retained due to inadequate instruction,
18 resources, or facilities provided by the school district or due
19 to the student having an undiagnosed learning disability.

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