



## 97TH GENERAL ASSEMBLY

### State of Illinois

### 2011 and 2012

#### HB3464

Introduced 2/24/2011, by Rep. Sandra M. Pihos

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.11c  
105 ILCS 5/10-21.4 from Ch. 122, par. 10-21.4  
105 ILCS 5/18-3 from Ch. 122, par. 18-3  
105 ILCS 5/2-3.74 rep.  
105 ILCS 5/2-3.87 rep.  
105 ILCS 5/2-3.111 rep.

Amends the School Code. Makes changes concerning the teacher supply and demand report, reporting on the number of high school students enrolled in courses at a community college, and claims for tuition for children from a home for orphans or dependent, abandoned, or maladjusted children. Repeals Sections concerning the State Board of Education providing information on the creation of tax exempt foundations, a catalogue of reports, and racial reports.

LRB097 10098 NHT 50278 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 2-3.11c, 10-21.4, and 18-3 as follows:

6 (105 ILCS 5/2-3.11c)

7 Sec. 2-3.11c. Teacher supply and demand report. Through  
8 January 1, 2009, to report annually, on or before January 1, on  
9 the relative supply and demand for education staff of the  
10 public schools to the Governor, to the General Assembly, and to  
11 institutions of higher education that prepare teachers,  
12 administrators, school service personnel, other certificated  
13 individuals, and other professionals employed by school  
14 districts or joint agreements. After the report due on January  
15 1, 2009 is submitted, future reports shall be submitted once  
16 every 3 years, with the first report being submitted on or  
17 before January 1, 2012 ~~2011~~. The report shall contain the  
18 following information:

19 (1) the relative supply and demand for teachers,  
20 administrators, and other certificated and  
21 non-certificated personnel by field, content area, and  
22 levels;

23 (2) State and regional analyses of fields, content

1 areas, and levels with an over-supply or under-supply of  
2 educators; and

3 (3) projections of likely high demand and low demand  
4 for educators, in a manner sufficient to advise the public,  
5 individuals, and institutions regarding career  
6 opportunities in education.

7 (Source: P.A. 96-734, eff. 8-25-09.)

8 (105 ILCS 5/10-21.4) (from Ch. 122, par. 10-21.4)

9 Sec. 10-21.4. Superintendent - Duties. Except in districts  
10 in which there is only one school with less than four teachers,  
11 to employ a superintendent who shall have charge of the  
12 administration of the schools under the direction of the board  
13 of education. In addition to the administrative duties, the  
14 superintendent shall make recommendations to the board  
15 concerning the budget, building plans, the locations of sites,  
16 the selection, retention and dismissal of teachers and all  
17 other employees, the selection of textbooks, instructional  
18 material and courses of study. However, in districts under a  
19 Financial Oversight Panel pursuant to Section 1A-8 for  
20 violating a financial plan, the duties and responsibilities of  
21 the superintendent in relation to the financial and business  
22 operations of the district shall be approved by the Panel. In  
23 the event the Board refuses or fails to follow a directive or  
24 comply with an information request of the Panel, the  
25 performance of those duties shall be subject to the direction

1 of the Panel. The superintendent shall also notify the State  
2 Board of Education, the board and the chief administrative  
3 official, other than the alleged perpetrator himself, in the  
4 school where the alleged perpetrator serves, that any person  
5 who is employed in a school or otherwise comes into frequent  
6 contact with children in the school has been named as a  
7 perpetrator in an indicated report filed pursuant to the Abused  
8 and Neglected Child Reporting Act, approved June 26, 1975, as  
9 amended. The superintendent shall keep or cause to be kept the  
10 records and accounts as directed and required by the board, aid  
11 in making reports required by the board, and perform such other  
12 duties as the board may delegate to him.

13 In addition, each year at a time designated by the State  
14 Superintendent of Education ~~in January of each year,~~ each  
15 superintendent shall report to the State Board of Education the  
16 number of high school students in the district who are enrolled  
17 in accredited courses (for which high school credit will be  
18 awarded upon successful completion of the courses) at any  
19 community college, together with the name and number of the  
20 course or courses which each such student is taking.

21 The provisions of this section shall also apply to board of  
22 director districts.

23 Notice of intent not to renew a contract must be given in  
24 writing stating the specific reason therefor by April 1 of the  
25 contract year unless the contract specifically provides  
26 otherwise. Failure to do so will automatically extend the

1 contract for an additional year. Within 10 days after receipt  
2 of notice of intent not to renew a contract, the superintendent  
3 may request a closed session hearing on the dismissal. At the  
4 hearing the superintendent has the privilege of presenting  
5 evidence, witnesses and defenses on the grounds for dismissal.  
6 The provisions of this paragraph shall not apply to a district  
7 under a Financial Oversight Panel pursuant to Section 1A-8 for  
8 violating a financial plan.

9 (Source: P.A. 95-496, eff. 8-28-07.)

10 (105 ILCS 5/18-3) (from Ch. 122, par. 18-3)

11 Sec. 18-3. Tuition of children from orphanages and  
12 children's homes. When the children from any home for orphans,  
13 dependent, abandoned or maladjusted children maintained by any  
14 organization or association admitting to such home children  
15 from the State in general or when children residing in a school  
16 district wherein the State of Illinois maintains and operates  
17 any welfare or penal institution on property owned by the State  
18 of Illinois, which contains houses, housing units or housing  
19 accommodations within a school district, attend grades  
20 kindergarten through 12 of the public schools maintained by  
21 that school district, the State Superintendent of Education  
22 shall direct the State Comptroller to pay a specified amount  
23 sufficient to pay the annual tuition cost of such children who  
24 attended such public schools during the regular school year  
25 ending on June 30. The Comptroller shall pay the amount after

1 receipt of a voucher submitted by the State Superintendent of  
2 Education.

3 The amount of the tuition for such children attending the  
4 public schools of the district shall be determined by the State  
5 Superintendent of Education by multiplying the number of such  
6 children in average daily attendance in such schools by 1.2  
7 times the total annual per capita cost of administering the  
8 schools of the district. Such total annual per capita cost  
9 shall be determined by totaling all expenses of the school  
10 district in the educational, operations and maintenance, bond  
11 and interest, transportation, Illinois municipal retirement,  
12 and rent funds for the school year preceding the filing of such  
13 tuition claims less expenditures not applicable to the regular  
14 K-12 program, less offsetting revenues from State sources  
15 except those from the common school fund, less offsetting  
16 revenues from federal sources except those from federal  
17 impaction aid, less student and community service revenues,  
18 plus a depreciation allowance; and dividing such total by the  
19 average daily attendance for the year.

20 Annually on or before July 15 the superintendent of the  
21 district shall certify to the State Superintendent of Education  
22 the following:

23 1. The name of the home and of the organization or  
24 association maintaining it; or the legal description of the  
25 real estate upon which the house, housing units, or housing  
26 accommodations are located and that no taxes or service

1 charges or other payments authorized by law to be made in  
2 lieu of taxes were collected therefrom or on account  
3 thereof during either of the calendar years included in the  
4 school year for which claim is being made;

5 2. The number of children from the home or living in  
6 such houses, housing units or housing accommodations and  
7 attending the schools of the district;

8 3. The total number of children attending the schools  
9 of the district;

10 4. The per capita tuition charge of the district; and

11 5. The computed amount of the tuition payment claimed  
12 as due.

13 Whenever the persons in charge of such home for orphans,  
14 dependent, abandoned or maladjusted children have received  
15 from the parent or guardian of any such child or by virtue of  
16 an order of court a specific allowance for educating such  
17 child, such persons shall pay to the school board in the  
18 district where the child attends school such amount of the  
19 allowance as is necessary to pay the tuition required by such  
20 district for the education of the child. If the allowance is  
21 insufficient to pay the tuition in full the State  
22 Superintendent of Education shall direct the Comptroller to pay  
23 to the district the difference between the total tuition  
24 charged and the amount of the allowance.

25 Whenever the facilities of a school district in which such  
26 house, housing units or housing accommodations are located, are

1 limited, pupils may be assigned by that district to the schools  
2 of any adjacent district to the limit of the facilities of the  
3 adjacent district to properly educate such pupils as shall be  
4 determined by the school board of the adjacent district, and  
5 the State Superintendent of Education shall direct the  
6 Comptroller to pay a specified amount sufficient to pay the  
7 annual tuition of the children so assigned to and attending  
8 public schools in the adjacent districts and the Comptroller  
9 shall draw his warrant upon the State Treasurer for the payment  
10 of such amount for the benefit of the adjacent school districts  
11 in the same manner as for districts in which the houses,  
12 housing units or housing accommodations are located.

13 The school district shall certify to the State  
14 Superintendent of Education the report of claims due for such  
15 tuition payments on or before July 15. The State Superintendent  
16 of Education shall direct the Comptroller to pay to the  
17 district, on or before August 15, the amount due the district  
18 for the school year in accordance with the calculation of the  
19 claim as set forth in this Section.

20 Summer session costs shall be reimbursed based on the  
21 actual expenditures for providing these services. On or before  
22 November 1 of each year, the superintendent of each eligible  
23 school district shall certify to the State Superintendent of  
24 Education the claim of the district for the summer session  
25 following the regular school year just ended. The State  
26 Superintendent of Education shall transmit to the Comptroller



1 no later than December 15th of each year vouchers for payment  
2 of amounts due to school districts for summer session.

3 Claims for tuition for children from any home for orphans  
4 or dependent, abandoned, or maladjusted children beginning  
5 with the 1993-1994 school year shall be paid on a current year  
6 basis. On September 30, December 31, and March 31, the State  
7 Board of Education shall voucher payments for districts with  
8 those students based on an estimated cost calculated from the  
9 prior year's claim. Final claims for those students for the  
10 regular school term must be received at the State Board of  
11 Education by July 15 following the end of the regular school  
12 year. Final claims for those students shall be vouchered by  
13 August 30 ~~15~~. During fiscal year 1994 both the 1992-1993 school  
14 year and the 1993-1994 school year shall be paid in order to  
15 change the cycle of payment from a reimbursement basis to a  
16 current year funding basis of payment. However,  
17 notwithstanding any other provisions of this Section or the  
18 School Code, beginning with fiscal year 1994 and each fiscal  
19 year thereafter, if the amount appropriated for any fiscal year  
20 is less than the amount required for purposes of this Section,  
21 the amount required to eliminate any insufficient  
22 reimbursement for each district claim under this Section shall  
23 be reimbursed on August 30 of the next fiscal year. Payments  
24 required to eliminate any insufficiency for prior fiscal year  
25 claims shall be made before any claims are paid for the current  
26 fiscal year.

1           If a school district makes a claim for reimbursement under  
2 Section 14-7.03 it shall not include in any claim filed under  
3 this Section children residing on the property of State  
4 institutions included in its claim under Section 14-7.03.

5           Any child who is not a resident of Illinois who is placed  
6 in a child welfare institution, private facility, State  
7 operated program, orphanage or children's home shall have the  
8 payment for his educational tuition and any related services  
9 assured by the placing agent.

10          In order to provide services appropriate to allow a student  
11 under the legal guardianship or custodianship of the State to  
12 participate in local school district educational programs,  
13 costs may be incurred in appropriate cases by the district that  
14 are in excess of 1.2 times the district per capita tuition  
15 charge allowed under the provisions of this Section. In the  
16 event such excess costs are incurred, they must be documented  
17 in accordance with cost rules established under the authority  
18 of this Section and may then be claimed for reimbursement under  
19 this Section.

20          Planned services for students eligible for this funding  
21 must be a collaborative effort between the appropriate State  
22 agency or the student's group home or institution and the local  
23 school district.

24          (Source: P.A. 95-793, eff. 1-1-09; 96-734, eff. 8-25-09.)

25                   (105 ILCS 5/2-3.74 rep.)

1 (105 ILCS 5/2-3.87 rep.)

2 (105 ILCS 5/2-3.111 rep.)

3 Section 10. The School Code is amended by repealing

4 Sections 2-3.74, 2-3.87, and 2-3.111.