



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3362

Introduced 2/7/2012, by Sen. Kimberly A. Lightford

SYNOPSIS AS INTRODUCED:

105 ILCS 5/34-18.47 new

Amends the Chicago School District Article of the School Code. Provides that each year, 2 months prior to the district's September student membership survey, (1) the maximum number of students assigned to each teacher who is teaching courses in public school classrooms for prekindergarten through grade 3 may not exceed 18 students; (2) the maximum number of students assigned to each teacher who is teaching courses in public school classrooms for grades 4 through 8 may not exceed 22 students; and the maximum number of students assigned to each teacher who is teaching courses in public school classrooms for grades 9 through 12 may not exceed 25 students, which maximums must be maintained after the September student membership survey. Sets forth exceptions and provisions concerning the annual calculation of class size measures, reporting on class size, an implementation plan and schedule, and imposition of a civil penalty. Effective immediately.

LRB097 17717 NHT 62931 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 adding Section
5 34-18.47 as follows:

6 (105 ILCS 5/34-18.47 new)

7 Sec. 34-18.47. Maximum class size.

8 (a) As used in this Section:

9 "Allotted homerooms" means the number of classroom spaces
10 required for homeroom use, derived as a consistent and adequate
11 proportion of the total number of classrooms present in a given
12 facility.

13 "Ancillary classrooms" means the number of classroom
14 spaces required for non-homeroom uses, such as science labs,
15 computer labs, art rooms, music rooms, resource rooms, special
16 education rooms, and rooms for governmental agency or community
17 organization special programs, after-school programs, and
18 other appropriate uses.

19 "Enrollment efficiency" means an enrollment range defined
20 as ideal enrollment less 20% to ideal enrollment plus 20%.

21 "Ideal enrollment" means allotted homerooms multiplied by
22 301.

23 "Inclusion teaching" means 2 or more teachers are assigned

1 to a group of students, but one of the teachers is responsible
2 for only one student or a small group of students in the
3 classroom.

4 "Level 3" means elementary schools receiving less than 50%
5 of available points and high schools receiving less than 44% of
6 available points, using the school district's School
7 Performance, Remediation and Probation Policy, and schools
8 also labeled as "on probation".

9 "Maximum capacity" means the number of classroom spaces
10 designed as such in a given facility multiplied by 30.

11 "Overcrowded" means an enrollment range greater than
12 enrollment efficiency.

13 "Team teaching" or "co-teaching" means 2 or more teachers
14 are assigned to a group of students and each teacher is
15 responsible for all of the students during the entire class
16 period. In order to be considered team teaching or co-teaching,
17 each teacher is responsible for planning, delivering, and
18 evaluating instruction for all students in the class or subject
19 for the entire class period.

20 "Tier I" is defined as a Title I school in federal
21 improvement, corrective action, or restructuring that is
22 within the lowest achieving 5% of Title I schools in this State
23 in improvement, corrective action, or restructuring based on a
24 3-year average performance of the "All students" group for the
25 percentage meeting or exceeding standards on this State's
26 assessments in reading/language arts and mathematics,

1 combined, and that demonstrates a lack of progress; or a Title
2 I secondary school that has an average graduation rate, as
3 reported in Northern Illinois University's Illinois
4 Interactive Report Card, of less than 60% over the last 3
5 years.

6 "Underutilized" means an enrollment range less than
7 enrollment efficiency. An elementary school building is
8 allotted a number of dedicated general education homeroom
9 classrooms, equaling approximately 76% of the total classrooms
10 available. Each elementary school building is also allotted a
11 number of ancillary classrooms equal to approximately 24% of
12 the total classrooms available. As an elementary school's
13 enrollment increases above the efficiency range, a school may
14 be considered overcrowded as programming options are reduced or
15 compromised. As an elementary school's enrollment decreases
16 below the efficiency range, a school may be considered
17 underutilized as classrooms are unused or poorly programmed,
18 making the use of limited resources less effective. For high
19 schools, the board provides an enrollment efficiency range
20 based primarily upon the total number of instructional
21 classrooms available in the main/permanent building. Each high
22 school's design capacity, a.k.a. maximum capacity, is
23 identified as a function of the total number of instructional
24 classrooms multiplied by 30. A high school's enrollment that
25 remains within 75% to 80% of design capacity is considered
26 efficiently enrolled, while a high school's enrollment that

1 decreases below 75% of design capacity is considered
2 underutilized, and a high school's enrollment that increases
3 above 80% is considered overcrowded.

4 (b) Each year, 2 months prior to the school district's
5 September student membership survey, the following class size
6 maximums must be satisfied:

7 (1) The maximum number of students assigned to each
8 teacher who is teaching courses in public school classrooms
9 for prekindergarten through grade 3 may not exceed 18
10 students.

11 (2) The maximum number of students assigned to each
12 teacher who is teaching courses in public school classrooms
13 for grades 4 through 8 may not exceed 22 students.

14 (3) The maximum number of students assigned to each
15 teacher who is teaching courses in public school classrooms
16 for grades 9 through 12 may not exceed 25 students.

17 These maximums must be maintained after the September student
18 membership survey, except as provided in subsection (d) of this
19 Section or due to an extreme emergency beyond the control of
20 the board.

21 The chief executive officer or his or her designee shall
22 publish an accurate report on class size by grade and subject
23 for each school building operated by the school district on the
24 district's Internet website on or before September 30 of each
25 year.

26 (c) The State Board of Education shall annually calculate

1 the class size measures described in subsection (b) of this
2 Section at least 2 months prior to the September student
3 membership survey.

4 (d) A student who enrolls in a school after the September
5 student membership survey may be assigned to an existing class
6 that temporarily exceeds the maximum number of students in
7 subsection (b) of this Section. If the board determines it to
8 be impractical, educationally unsound, or disruptive to
9 student learning to not assign the student to the class:

10 (1) up to 2 students may be assigned to a teacher in
11 kindergarten through grade 3 above the maximum as provided
12 in subdivision (1) of subsection (b) of this Section;

13 (2) up to 3 students may be assigned to a teacher in
14 grades 4 through 12 above the maximum as provided in
15 subdivision (2) or (3) of subsection (b) of this Section,
16 respectively; and

17 (3) the board shall develop a plan that provides that
18 the school will be in full compliance with the maximum
19 class size in subsection (b) of this Section by the next
20 September student membership survey.

21 In classrooms where the maximum number of students exceeds 2
22 students in kindergarten through grade 3 or exceeds 3 students
23 in grades 4 through 12, there must be another teacher, a
24 teacher's aide, or a paraprofessional or school-related
25 personnel assigned to the classroom to satisfy class maximum
26 determinations.

1 (e) The board shall develop a plan that provides that the
2 class size limits set forth in this Section will be implemented
3 in a 4-year, phase-in schedule, beginning with the 2012-2013
4 school year, using schools that meet the following criteria:

5 (1) schools designated by the federal government as
6 low-income, high poverty schools;

7 (2) schools that have been identified as "Level 3" or
8 "Tier I" or elementary schools receiving less than 50% of
9 available points and high schools receiving less than 44%
10 of available points using the school district's School
11 Performance, Remediation and Probation Policy;

12 (3) schools that have been identified by the board as
13 underutilized.

14 In the absence of the school district's School Performance,
15 Remediation and Probation Policy, the board shall implement the
16 class size maximums specified in subsection (b) of this Section
17 by designating schools that fail to make adequate yearly
18 progress or average yearly progress, with adequate yearly
19 progress being calculated by the State Board of Education to
20 evaluate school performance under the federal No Child Left
21 Behind Act of 2001 for 2 consecutive years and in buildings
22 designated as underutilized based on the Chicago Public Schools
23 Space Utilization Standards or the current industry standard
24 for building utilization.

25 Beginning with 2013-2014 school year, the class size limits
26 set forth in this Section must be implemented in schools with

1 grades K through 3. Beginning with 2014-2015 school year, the
2 class size limits set forth in this Section must be implemented
3 in schools with grades 4 through 8. Beginning with 2015-2016
4 school year, the class size limits set forth in this Section
5 must be implemented in schools with grades 9 through 12.

6 (f) The school district must consider, but is not limited
7 to, implementing the following items in order to meet the class
8 size maximums described in subsection (b) of this Section:

9 (1) Adopting policies to encourage qualified students
10 to take dual enrollment courses.

11 (2) Using methods to maximize the use of instructional
12 staff, such as recalling laid-off teachers or displaced
13 teachers, changing required teaching loads and the
14 scheduling of planning periods, deploying district
15 employees that have professional certification to the
16 classroom, using adjunct educators, or any other method not
17 prohibited by law.

18 (3) Using joint-use facilities through partnerships
19 with public community colleges, State universities, and
20 private colleges and universities. Joint-use facilities
21 available for use as kindergarten through grade 12
22 classrooms that do not meet the kindergarten through grade
23 12 State regulations for educational facilities in the
24 Health/Life Safety Code for Public Schools may be used at
25 the discretion of the school district, provided that such
26 facilities meet all other health, life, safety, and fire

1 codes.

2 (4) Adopting alternative methods of class scheduling,
3 such as block scheduling.

4 (5) Redrawing school attendance zones to maximize the
5 use of facilities while minimizing the additional use of
6 transportation.

7 (6) Operating more than one session of school during
8 the day.

9 (7) Using year-round schools and other nontraditional
10 calendars that do not adversely impact the annual
11 assessment of student achievement.

12 (8) Reviewing and considering amending any collective
13 bargaining agreements that hinder the implementation of
14 class size reduction.

15 (9) Providing staffing to classrooms that fail to meet
16 the class size maximum by placing an additional certified
17 teacher, an additional paraprofessional, or additional
18 school-related personnel in the classroom when it is
19 determined that there is no more classroom space in the
20 building.

21 (g) The school district may use teaching strategies that
22 include the assignment of more than one teacher to a classroom
23 of students only for the following purposes:

24 (1) To maintain the prescribed student to teacher
25 ratio.

26 (2) To pair new teachers with veteran teachers.

1 (3) To reduce turnover among new teachers.

2 (4) To pair teachers who are teaching out-of-field with
3 teachers who are in-field.

4 (5) To provide for more flexibility and innovation in
5 the classroom.

6 (6) To improve learning opportunities for students,
7 including students who have disabilities.

8 Teaching strategies, including team teaching, co-teaching,
9 or inclusion teaching, implemented on or after July 1, 2013,
10 may be implemented subject to the following restrictions:

11 (A) Reasonable limits must be placed on the number of
12 students in a classroom so that classrooms are not
13 overcrowded. Teacher-to-student ratios within a curriculum
14 area or grade level must not exceed legal limits.

15 (B) At least one member of the team must have at least
16 3 years of teaching experience.

17 (C) At least one member of the team must be teaching
18 in-field.

19 (D) The teachers must be trained in team-teaching
20 methods within one year after assignment.

21 (E) Placing students in combination or split-level
22 classes with differing grade levels is prohibited.

23 (h) If the State Board of Education determines that the
24 number of students assigned to any individual class exceeds the
25 class size maximum, as required in subsection (b) of this
26 Section, based upon the September student membership survey,

1 then the State Board of Education, in an administrative
2 proceeding, shall impose a civil penalty on the school district
3 equal to \$2,900 for every 300 minutes a class is over the
4 limit. The Attorney General may bring an action in circuit
5 court to enforce the collection of any monetary penalty imposed
6 under this subsection (h).

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.