



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1622

Introduced 2/13/2013, by Sen. Michael Noland

SYNOPSIS AS INTRODUCED:

New Act

Creates the Education Ombudsman Act. Creates the Office of the Education Ombudsman within the Office of the Governor for the purposes of providing information to parents, students, and others regarding their rights and responsibilities with respect to this State's public elementary and secondary education system and advocating on behalf of elementary and secondary public school students. Requires the Governor to appoint an education ombudsman. Contains provisions concerning the qualifications of the education ombudsman, a 6-person legislative committee concerning the appointment, regional education ombudsmen, the powers and duties of the education ombudsman, immunity, confidentiality, and an annual report to the Governor, the General Assembly, and the State Board of Education.

LRB098 09934 NHT 40092 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 1. Short title. This Act may be cited as the
5 Education Ombudsman Act.

6 Section 5. Creation of office; appointment; regional
7 education ombudsmen.

8 (a) There is created the Office of the Education Ombudsman
9 within the Office of the Governor for the purposes of providing
10 information to parents, students, and others regarding their
11 rights and responsibilities with respect to this State's public
12 elementary and secondary education system and advocating on
13 behalf of elementary and secondary public school students.

14 (b) The Governor shall appoint an education ombudsman, who
15 must be a person of recognized judgment, independence,
16 objectivity, and integrity and must be qualified by training or
17 experience or both in all of the following areas:

18 (1) Public education law and policy in this State.

19 (2) Dispute resolution or problem resolution
20 techniques, including mediation and negotiation.

21 (3) Community outreach.

22 The education ombudsman may not be an employee of any
23 school district, the Office of the State Superintendent of

1 Education, or the State Board of Education while serving as an
2 education ombudsman.

3 Before the appointment of the education ombudsman, the
4 Governor shall share information regarding the appointment to a
5 6-person legislative committee appointed and comprised as
6 follows:

7 (1) The committee shall consist of 3 Senators and 3
8 Representatives of the General Assembly.

9 (2) The Senate members of the committee shall be
10 appointed by the President of the Senate. Two members shall
11 represent the majority caucus, and one member shall
12 represent the minority caucus.

13 (3) The House of Representatives members of the
14 committee shall be appointed by the Speaker of the House of
15 Representatives. Two members shall represent the majority
16 caucus, and one member shall represent the minority caucus.

17 (c) If sufficient appropriations are provided, the
18 education ombudsman shall delegate and certify regional
19 education ombudsmen. The education ombudsman shall ensure that
20 the regional ombudsmen selected are appropriate to the
21 community in which they serve and hold the same qualifications
22 as the education ombudsman under subsection (b) of this
23 Section. The education ombudsman may not contract with the
24 State Superintendent of Education or State Board of Education
25 or any school, school district, or current employee of a
26 school, a school district, the Office of the State

1 Superintendent of Education, or the State Board of Education
2 for the provision of regional ombudsman services.

3 Section 10. Powers and duties. The education ombudsman
4 shall have all of the following powers and duties:

5 (1) To develop parental involvement materials,
6 including instructional guides developed to inform parents
7 of the essential academic learning requirements required
8 by the State Board of Education. The instructional guides
9 shall also contain actions parents may take to assist their
10 children in meeting the requirements and should focus on
11 reaching parents who have not previously been involved with
12 their children's education.

13 (2) To provide information to students, parents, and
14 interested members of the public regarding this State's
15 public elementary and secondary education system.

16 (3) To identify obstacles to greater parent and
17 community involvement in school-shared, decision-making
18 processes and recommend strategies for helping parents and
19 community members to participate effectively in
20 school-shared, decision-making processes, including
21 understanding and respecting the roles of school building
22 administrators and staff.

23 (4) To identify and recommend strategies for improving
24 the success rates of ethnic and racial student groups with
25 disproportionate academic achievement.

1 (5) To refer complainants and others to appropriate
2 resources, agencies, or departments.

3 (6) To facilitate the resolution of complaints made by
4 parents and students with regard to this State's public
5 elementary and secondary education system.

6 (7) To perform such other functions consistent with the
7 purposes of the education ombudsman.

8 (8) To consult with representatives of organizations
9 and groups regarding the work of the Office of the
10 Education Ombudsman, including without limitation all of
11 the following:

12 (A) A State parent-teacher association.

13 (B) Licensed and classified school employees.

14 (C) School and school district administrators.

15 (D) Parents of special education students.

16 (E) Parents of English language learners.

17 (F) A State organization on Hispanic affairs.

18 (G) A State organization on African-American
19 affairs.

20 (H) A State organization on Asian-Pacific American
21 affairs.

22 (I) A State organization on Native American
23 affairs.

24 Section 15. Immunity.

25 (a) Neither the education ombudsman nor any regional

1 educational ombudsmen are liable for good faith performance of
2 their responsibilities under this Act.

3 (b) No discriminatory, disciplinary, or retaliatory action
4 may be taken against any student or employee of any school
5 district, the Office of the State Superintendent of Education,
6 or the State Board of Education for any communication made or
7 information given or disclosed to aid the education ombudsman
8 in carrying out his or her duties and responsibilities, unless
9 the same was done without good faith or maliciously. This
10 subsection (b) is not intended to infringe upon the rights of a
11 school district to supervise, discipline, or terminate an
12 employee for other reasons or to discipline a student for other
13 reasons.

14 (c) All communications by the education ombudsman or the
15 ombudsman's staff or a designee, if reasonably related to the
16 education ombudsman's duties and responsibilities and if done
17 in good faith, are privileged, and that privilege shall serve
18 as a defense to any action in libel or slander.

19 Section 20. Confidentiality. The education ombudsman shall
20 treat all matters, including the identities of students,
21 complainants, and individuals from whom information is
22 acquired, as confidential, except as necessary to enable the
23 education ombudsman to perform the duties of the office. Upon
24 receipt of information that by law is confidential or
25 privileged, the ombudsman shall maintain the confidentiality

1 of such information and shall not further disclose or
2 disseminate the information, except as provided by applicable
3 State or federal law.

4 Section 25. Annual report. The education ombudsman shall
5 report on the work and accomplishment of the Office of the
6 Education Ombudsman and advise and make recommendations to the
7 Governor, the General Assembly, and the State Board of
8 Education annually. The initial report to the Governor, the
9 General Assembly, and the State Board of Education shall be
10 made on or before September 1, 2015, and there shall be an
11 annual report on or before September 1st of each year
12 thereafter. The annual report shall provide at least all of the
13 following information:

14 (1) How the education ombudsman's services have been
15 used and by whom.

16 (2) Methods for the education ombudsman to increase and
17 enhance family and community involvement in public
18 education.

19 (3) Recommendations to eliminate barriers and
20 obstacles to meaningful family and community involvement
21 in public education.

22 (4) Strategies to improve the educational
23 opportunities for all students in this State, including
24 recommendations from organizations and groups under
25 Section 10 of this Act.