



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB3412

Introduced 2/14/2014, by Sen. Heather A. Steans

SYNOPSIS AS INTRODUCED:

See Index

Amends the School Code. Replaces provisions concerning State goals and assessment. Requires the State Board of Education to establish the academic standards that are to be applicable to students who are subject to State assessments, with public participation. Provides that (i) beginning no later than the 2014-2015 school year, the State Board shall annually assess all students enrolled in grades 3 through 8 in English language arts and mathematics; (ii) beginning no later than the 2017-2018 school year, the State Board shall annually assess all students in science at one grade in grades 3 through 5, at one grade in grades 6 through 9, and at one grade in grades 10 through 12; and (iii) the State Board shall annually assess schools that operate a secondary education program in English language arts and mathematics. Provides that the State Board shall administer no more than 3 assessments, per student, of English language arts and mathematics for students in a secondary education program and one of these assessments shall include a college and career ready determination. Provides that students who are not assessed for college and career ready determinations may not receive a regular high school diploma unless the student is exempted from taking State assessments. Sets forth provisions concerning students receiving special education services and students determined to have limited English proficiency, results of scores, the National Assessment of Educational Progress, and local assessments. Makes related changes. Effective July 1, 2014.

LRB098 19883 NHT 55102 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 2-3.51.5, 2-3.64a, 10-29, 13B-25.25, 18-8.05, 21B-75, and
6 27A-6 and by adding Section 2-3.64a-5 as follows:

7 (105 ILCS 5/2-3.51.5)

8 Sec. 2-3.51.5. School Safety and Educational Improvement
9 Block Grant Program. To improve the level of education and
10 safety of students from kindergarten through grade 12 in school
11 districts and State-recognized, non-public schools. The State
12 Board of Education is authorized to fund a School Safety and
13 Educational Improvement Block Grant Program.

14 (1) For school districts, the program shall provide funding
15 for school safety, textbooks and software, electronic
16 textbooks and the technological equipment necessary to gain
17 access to and use electronic textbooks, teacher training and
18 curriculum development, school improvements, ~~remediation~~
19 ~~programs under subsection (a) of Section 2-3.64,~~ school report
20 cards under Section 10-17a, and criminal history records checks
21 under Sections 10-21.9 and 34-18.5. For State-recognized,
22 non-public schools, the program shall provide funding for
23 secular textbooks and software, criminal history records

1 checks, and health and safety mandates to the extent that the
2 funds are expended for purely secular purposes. A school
3 district or laboratory school as defined in Section 18-8 or
4 18-8.05 is not required to file an application in order to
5 receive the categorical funding to which it is entitled under
6 this Section. Funds for the School Safety and Educational
7 Improvement Block Grant Program shall be distributed to school
8 districts and laboratory schools based on the prior year's best
9 3 months average daily attendance. Funds for the School Safety
10 and Educational Improvement Block Grant Program shall be
11 distributed to State-recognized, non-public schools based on
12 the average daily attendance figure for the previous school
13 year provided to the State Board of Education. The State Board
14 of Education shall develop an application that requires
15 State-recognized, non-public schools to submit average daily
16 attendance figures. A State-recognized, non-public school must
17 submit the application and average daily attendance figure
18 prior to receiving funds under this Section. The State Board of
19 Education shall promulgate rules and regulations necessary for
20 the implementation of this program.

21 (2) Distribution of moneys to school districts and
22 State-recognized, non-public schools shall be made in 2
23 semi-annual installments, one payment on or before October 30,
24 and one payment prior to April 30, of each fiscal year.

25 (3) Grants under the School Safety and Educational
26 Improvement Block Grant Program shall be awarded provided there

1 is an appropriation for the program, and funding levels for
2 each district shall be prorated according to the amount of the
3 appropriation.

4 (4) The provisions of this Section are in the public
5 interest, are for the public benefit, and serve secular public
6 purposes.

7 (Source: P.A. 95-707, eff. 1-11-08; 96-1403, eff. 7-29-10.)

8 (105 ILCS 5/2-3.64a)

9 Sec. 2-3.64a. State Testing Review Committee. The State
10 Superintendent shall appoint a committee of no more than 20
11 consisting of parents, teachers, school administrators, and
12 concerned citizens to review the Illinois Goals and Assessment
13 Program tests administered by the State Board of Education. The
14 Committee shall select one of the parent representatives as its
15 chairman. The Committee shall meet on an ongoing basis to
16 review the content and design of the tests (including whether
17 the requirements of subsection (i) of Section 2-3.64a-5 of this
18 Code ~~a-5 of Section 2-3.64~~ have been met), the time and money
19 expended at the local and state levels to prepare for and
20 administer the tests, the collective results of the tests as
21 measured against the stated purpose of testing student
22 performance, and other issues involving the tests identified by
23 the Committee. The Committee shall make periodic
24 recommendations to the State Superintendent and the General
25 Assembly concerning the tests.

1 (Source: P.A. 89-184, eff. 7-19-95; 90-789, eff. 8-14-98.)

2 (105 ILCS 5/2-3.64a-5 new)

3 Sec. 2-3.64a-5. State goals and assessment.

4 (a) For the assessment and accountability purposes of this
5 Section, "students" includes those students enrolled in a
6 public or State-operated elementary school, secondary school,
7 or cooperative or joint agreement with a governing body or
8 board of control, a charter school operating in compliance with
9 the Charter Schools Law, a school operated by a regional office
10 of education under Section 13A-3 of this Code, or a public
11 school administered by a local public agency or the Department
12 of Human Services.

13 (b) The State Board of Education shall establish the
14 academic standards that are to be applicable to students who
15 are subject to State assessments under this Section. The State
16 Board of Education shall not establish any such standards in
17 final form without first providing opportunities for public
18 participation and local input in the development of the final
19 academic standards. Those opportunities shall include a
20 well-publicized period of public comment and opportunities to
21 file written comments.

22 (c) Beginning no later than the 2014-2015 school year, the
23 State Board of Education shall annually assess all students
24 enrolled in grades 3 through 8 in English language arts and
25 mathematics.

1 Beginning no later than the 2017-2018 school year, the
2 State Board of Education shall annually assess all students in
3 science at one grade in grades 3 through 5, at one grade in
4 grades 6 through 9, and at one grade in grades 10 through 12.

5 The State Board of Education shall annually assess schools
6 that operate a secondary education program, as defined in
7 Section 22-22 of this Code, in English language arts and
8 mathematics. The State Board of Education shall administer no
9 more than 3 assessments, per student, of English language arts
10 and mathematics for students in a secondary education program.
11 One of these assessments shall include a college and career
12 ready determination.

13 Students who are not assessed for college and career ready
14 determinations may not receive a regular high school diploma
15 unless the student is exempted from taking State assessments
16 under subsection (d) of this Section because (i) the student's
17 individualized educational program developed under Article 14
18 of this Code identifies the State assessment as inappropriate
19 for the student, (ii) the student is enrolled in a program of
20 adult and continuing education, as defined in the Adult
21 Education Act, (iii) the school district is not required to
22 test the individual student for purposes of accountability
23 under federal No Child Left Behind Act of 2001 requirements,
24 (iv) the student has been determined to have limited English
25 proficiency and has attended schools in the United States for
26 less than 12 months, or (v) the student is otherwise identified

1 by the State Board of Education, through rules, as being exempt
2 from the assessment.

3 The State Board of Education shall not assess students
4 under this Section in physical development and health, fine
5 arts, and the social sciences (history, geography, civics,
6 economics, and government).

7 Districts shall inform their students of the timelines and
8 procedures applicable to their participation in every yearly
9 administration of the State assessments. The State Board of
10 Education shall establish periods of time in each school year
11 during which State testing shall occur to meet the objectives
12 of this Section.

13 (d) Every individualized educational program as described
14 in Article 14 shall identify if the State assessment or
15 components thereof are appropriate for the student. The State
16 Board of Education shall develop rules governing the
17 administration of an alternate assessment that may be available
18 to students for whom participation in this State's regular
19 assessments is not appropriate, even with accommodations as
20 allowed under this Section.

21 Students receiving special education services whose
22 individualized educational programs identify them as eligible
23 for the alternative State assessments nevertheless shall have
24 the option of taking this State's regular assessment that
25 includes a college and career ready determination, which shall
26 be administered in accordance with the eligible accommodations

1 appropriate for meeting these students' respective needs.

2 All students determined to have limited English
3 proficiency shall participate in the State assessments,
4 excepting those students residing in the United States for less
5 than 12 months. Such students may be exempted from
6 participation in one annual administration of the English
7 language arts assessment. Any student determined to have
8 limited English proficiency may receive appropriate assessment
9 accommodations, which shall be established by rule. Approved
10 assessment accommodations may be provided until the student's
11 English language skills develop to the extent that the student
12 is no longer considered to have limited English proficiency, as
13 demonstrated through a State-identified English language
14 proficiency assessment.

15 (e) The results or scores of each assessment taken under
16 this Section shall be made available to the parents of each
17 student.

18 Every school year, scores received by students on the State
19 assessments administered in grades 3 through 12 shall be placed
20 into each student's temporary record maintained pursuant to the
21 Illinois School Student Records Act.

22 (f) All schools shall administer an academic assessment of
23 English language proficiency in oral comprehension (listening
24 and speaking) and reading and writing skills to all children of
25 limited English speaking ability as prescribed by the State
26 Board of Education pursuant to Section 14C-3 of this Code.

1 (g) All schools in this State that are part of the sample
2 drawn by the National Center for Education Statistics, in
3 collaboration with their school districts and the State Board
4 of Education, shall administer the biennial academic
5 assessments under the National Assessment of Educational
6 Progress carried out under Section 411(b)(2) of the federal
7 National Education Statistics Act of 1994 (20 U.S.C. 9010) if
8 the U.S. Secretary of Education pays the costs of administering
9 the assessments.

10 (h) Subject to available funds to this State for the
11 purpose of student assessment, the State Board of Education
12 shall provide additional tests and assessment resources that
13 may be used by school districts for local assessment purposes.
14 The State Board of Education shall annually distribute a
15 listing of these additional resources.

16 (i) For the purposes of this subsection (i), "academically
17 based assessments" means assessments consisting of questions
18 and answers that are measurable and quantifiable to measure the
19 knowledge, skills, and ability of students in the subject
20 matters covered by the tests. All assessments administered
21 pursuant to this Section must be academically based
22 assessments. The scoring of academically based assessments
23 shall be reliable, valid, and fair and shall meet the
24 guidelines for test development and use prescribed by the
25 American Psychological Association, the National Council on
26 Measurement in Education, and the American Educational

1 Research Association.

2 (j) The State Board of Education may adopt rules to
3 implement this Section.

4 (105 ILCS 5/10-29)

5 Sec. 10-29. Remote educational programs.

6 (a) For purposes of this Section, "remote educational
7 program" means an educational program delivered to students in
8 the home or other location outside of a school building that
9 meets all of the following criteria:

10 (1) A student may participate in the program only after
11 the school district, pursuant to adopted school board
12 policy, and a person authorized to enroll the student under
13 Section 10-20.12b of this Code determine that a remote
14 educational program will best serve the student's
15 individual learning needs. The adopted school board policy
16 shall include, but not be limited to, all of the following:

17 (A) Criteria for determining that a remote
18 educational program will best serve a student's
19 individual learning needs. The criteria must include
20 consideration of, at a minimum, a student's prior
21 attendance, disciplinary record, and academic history.

22 (B) Any limitations on the number of students or
23 grade levels that may participate in a remote
24 educational program.

25 (C) A description of the process that the school

1 district will use to approve participation in the
2 remote educational program. The process must include
3 without limitation a requirement that, for any student
4 who qualifies to receive services pursuant to the
5 federal Individuals with Disabilities Education
6 Improvement Act of 2004, the student's participation
7 in a remote educational program receive prior approval
8 from the student's individualized education program
9 team.

10 (D) A description of the process the school
11 district will use to develop and approve a written
12 remote educational plan that meets the requirements of
13 subdivision (5) of this subsection (a).

14 (E) A description of the system the school district
15 will establish to calculate the number of clock hours a
16 student is participating in instruction in accordance
17 with the remote educational program.

18 (F) A description of the process for renewing a
19 remote educational program at the expiration of its
20 term.

21 (G) Such other terms and provisions as the school
22 district deems necessary to provide for the
23 establishment and delivery of a remote educational
24 program.

25 (2) The school district has determined that the remote
26 educational program's curriculum is aligned to State

1 learning standards and that the program offers instruction
2 and educational experiences consistent with those given to
3 students at the same grade level in the district.

4 (3) The remote educational program is delivered by
5 instructors that meet the following qualifications:

6 (A) they are certificated under Article 21 of this
7 Code;

8 (B) they meet applicable highly qualified criteria
9 under the federal No Child Left Behind Act of 2001; and

10 (C) they have responsibility for all of the
11 following elements of the program: planning
12 instruction, diagnosing learning needs, prescribing
13 content delivery through class activities, assessing
14 learning, reporting outcomes to administrators and
15 parents and guardians, and evaluating the effects of
16 instruction.

17 (4) During the period of time from and including the
18 opening date to the closing date of the regular school term
19 of the school district established pursuant to Section
20 10-19 of this Code, participation in a remote educational
21 program may be claimed for general State aid purposes under
22 Section 18-8.05 of this Code on any calendar day,
23 notwithstanding whether the day is a day of pupil
24 attendance or institute day on the school district's
25 calendar or any other provision of law restricting
26 instruction on that day. If the district holds year-round

1 classes in some buildings, the district shall classify each
2 student's participation in a remote educational program as
3 either on a year-round or a non-year-round schedule for
4 purposes of claiming general State aid. Outside of the
5 regular school term of the district, the remote educational
6 program may be offered as part of any summer school program
7 authorized by this Code.

8 (5) Each student participating in a remote educational
9 program must have a written remote educational plan that
10 has been approved by the school district and a person
11 authorized to enroll the student under Section 10-20.12b of
12 this Code. The school district and a person authorized to
13 enroll the student under Section 10-20.12b of this Code
14 must approve any amendment to a remote educational plan.
15 The remote educational plan must include, but is not
16 limited to, all of the following:

17 (A) Specific achievement goals for the student
18 aligned to State learning standards.

19 (B) A description of all assessments that will be
20 used to measure student progress, which description
21 shall indicate the assessments that will be
22 administered at an attendance center within the school
23 district.

24 (C) A description of the progress reports that will
25 be provided to the school district and the person or
26 persons authorized to enroll the student under Section

1 10-20.12b of this Code.

2 (D) Expectations, processes, and schedules for
3 interaction between a teacher and student.

4 (E) A description of the specific responsibilities
5 of the student's family and the school district with
6 respect to equipment, materials, phone and Internet
7 service, and any other requirements applicable to the
8 home or other location outside of a school building
9 necessary for the delivery of the remote educational
10 program.

11 (F) If applicable, a description of how the remote
12 educational program will be delivered in a manner
13 consistent with the student's individualized education
14 program required by Section 614(d) of the federal
15 Individuals with Disabilities Education Improvement
16 Act of 2004 or plan to ensure compliance with Section
17 504 of the federal Rehabilitation Act of 1973.

18 (G) A description of the procedures and
19 opportunities for participation in academic and
20 extra-curricular activities and programs within the
21 school district.

22 (H) The identification of a parent, guardian, or
23 other responsible adult who will provide direct
24 supervision of the program. The plan must include an
25 acknowledgment by the parent, guardian, or other
26 responsible adult that he or she may engage only in

1 non-teaching duties not requiring instructional
2 judgment or the evaluation of a student. The plan shall
3 designate the parent, guardian, or other responsible
4 adult as non-teaching personnel or volunteer personnel
5 under subsection (a) of Section 10-22.34 of this Code.

6 (I) The identification of a school district
7 administrator who will oversee the remote educational
8 program on behalf of the school district and who may be
9 contacted by the student's parents with respect to any
10 issues or concerns with the program.

11 (J) The term of the student's participation in the
12 remote educational program, which may not extend for
13 longer than 12 months, unless the term is renewed by
14 the district in accordance with subdivision (7) of this
15 subsection (a).

16 (K) A description of the specific location or
17 locations in which the program will be delivered. If
18 the remote educational program is to be delivered to a
19 student in any location other than the student's home,
20 the plan must include a written determination by the
21 school district that the location will provide a
22 learning environment appropriate for the delivery of
23 the program. The location or locations in which the
24 program will be delivered shall be deemed a long
25 distance teaching reception area under subsection (a)
26 of Section 10-22.34 of this Code.

1 (L) Certification by the school district that the
2 plan meets all other requirements of this Section.

3 (6) Students participating in a remote educational
4 program must be enrolled in a school district attendance
5 center pursuant to the school district's enrollment policy
6 or policies. A student participating in a remote
7 educational program must be tested as part of all
8 assessments administered by the school district pursuant
9 to Section 2-3.64a-5 ~~2-3.64~~ of this Code at the attendance
10 center in which the student is enrolled and in accordance
11 with the attendance center's assessment policies and
12 schedule. The student must be included within all adequate
13 yearly progress and other accountability determinations
14 for the school district and attendance center under State
15 and federal law.

16 (7) The term of a student's participation in a remote
17 educational program may not extend for longer than 12
18 months, unless the term is renewed by the school district.
19 The district may only renew a student's participation in a
20 remote educational program following an evaluation of the
21 student's progress in the program, a determination that the
22 student's continuation in the program will best serve the
23 student's individual learning needs, and an amendment to
24 the student's written remote educational plan addressing
25 any changes for the upcoming term of the program.

26 (b) A school district may, by resolution of its school

1 board, establish a remote educational program.

2 (c) Clock hours of instruction by students in a remote
3 educational program meeting the requirements of this Section
4 may be claimed by the school district and shall be counted as
5 school work for general State aid purposes in accordance with
6 and subject to the limitations of Section 18-8.05 of this Code.

7 (d) The impact of remote educational programs on wages,
8 hours, and terms and conditions of employment of educational
9 employees within the school district shall be subject to local
10 collective bargaining agreements.

11 (e) The use of a home or other location outside of a school
12 building for a remote educational program shall not cause the
13 home or other location to be deemed a public school facility.

14 (f) A remote educational program may be used, but is not
15 required, for instruction delivered to a student in the home or
16 other location outside of a school building that is not claimed
17 for general State aid purposes under Section 18-8.05 of this
18 Code.

19 (g) School districts that, pursuant to this Section, adopt
20 a policy for a remote educational program must submit to the
21 State Board of Education a copy of the policy and any
22 amendments thereto, as well as data on student participation in
23 a format specified by the State Board of Education. The State
24 Board of Education may perform or contract with an outside
25 entity to perform an evaluation of remote educational programs
26 in this State.

1 (h) The State Board of Education may adopt any rules
2 necessary to ensure compliance by remote educational programs
3 with the requirements of this Section and other applicable
4 legal requirements.

5 (Source: P.A. 96-684, eff. 8-25-09; 97-339, eff. 8-12-11.)

6 (105 ILCS 5/13B-25.25)

7 Sec. 13B-25.25. Testing and assessment. A district plan for
8 an alternative learning opportunities program operated through
9 a cooperative or intergovernmental agreement must provide
10 procedures for ensuring that students are included in the
11 administration of statewide testing programs. Students
12 enrolled in an alternative learning opportunities program
13 shall participate in State assessments under Section 2-3.64a-5
14 ~~2-3.64~~ of this Code.

15 (Source: P.A. 92-42, eff. 1-1-02.)

16 (105 ILCS 5/18-8.05)

17 Sec. 18-8.05. Basis for apportionment of general State
18 financial aid and supplemental general State aid to the common
19 schools for the 1998-1999 and subsequent school years.

20 (A) General Provisions.

21 (1) The provisions of this Section apply to the 1998-1999
22 and subsequent school years. The system of general State
23 financial aid provided for in this Section is designed to

1 assure that, through a combination of State financial aid and
2 required local resources, the financial support provided each
3 pupil in Average Daily Attendance equals or exceeds a
4 prescribed per pupil Foundation Level. This formula approach
5 imputes a level of per pupil Available Local Resources and
6 provides for the basis to calculate a per pupil level of
7 general State financial aid that, when added to Available Local
8 Resources, equals or exceeds the Foundation Level. The amount
9 of per pupil general State financial aid for school districts,
10 in general, varies in inverse relation to Available Local
11 Resources. Per pupil amounts are based upon each school
12 district's Average Daily Attendance as that term is defined in
13 this Section.

14 (2) In addition to general State financial aid, school
15 districts with specified levels or concentrations of pupils
16 from low income households are eligible to receive supplemental
17 general State financial aid grants as provided pursuant to
18 subsection (H). The supplemental State aid grants provided for
19 school districts under subsection (H) shall be appropriated for
20 distribution to school districts as part of the same line item
21 in which the general State financial aid of school districts is
22 appropriated under this Section.

23 (3) To receive financial assistance under this Section,
24 school districts are required to file claims with the State
25 Board of Education, subject to the following requirements:

26 (a) Any school district which fails for any given

1 school year to maintain school as required by law, or to
2 maintain a recognized school is not eligible to file for
3 such school year any claim upon the Common School Fund. In
4 case of nonrecognition of one or more attendance centers in
5 a school district otherwise operating recognized schools,
6 the claim of the district shall be reduced in the
7 proportion which the Average Daily Attendance in the
8 attendance center or centers bear to the Average Daily
9 Attendance in the school district. A "recognized school"
10 means any public school which meets the standards as
11 established for recognition by the State Board of
12 Education. A school district or attendance center not
13 having recognition status at the end of a school term is
14 entitled to receive State aid payments due upon a legal
15 claim which was filed while it was recognized.

16 (b) School district claims filed under this Section are
17 subject to Sections 18-9 and 18-12, except as otherwise
18 provided in this Section.

19 (c) If a school district operates a full year school
20 under Section 10-19.1, the general State aid to the school
21 district shall be determined by the State Board of
22 Education in accordance with this Section as near as may be
23 applicable.

24 (d) (Blank).

25 (4) Except as provided in subsections (H) and (L), the
26 board of any district receiving any of the grants provided for

1 in this Section may apply those funds to any fund so received
2 for which that board is authorized to make expenditures by law.

3 School districts are not required to exert a minimum
4 Operating Tax Rate in order to qualify for assistance under
5 this Section.

6 (5) As used in this Section the following terms, when
7 capitalized, shall have the meaning ascribed herein:

8 (a) "Average Daily Attendance": A count of pupil
9 attendance in school, averaged as provided for in
10 subsection (C) and utilized in deriving per pupil financial
11 support levels.

12 (b) "Available Local Resources": A computation of
13 local financial support, calculated on the basis of Average
14 Daily Attendance and derived as provided pursuant to
15 subsection (D).

16 (c) "Corporate Personal Property Replacement Taxes":
17 Funds paid to local school districts pursuant to "An Act in
18 relation to the abolition of ad valorem personal property
19 tax and the replacement of revenues lost thereby, and
20 amending and repealing certain Acts and parts of Acts in
21 connection therewith", certified August 14, 1979, as
22 amended (Public Act 81-1st S.S.-1).

23 (d) "Foundation Level": A prescribed level of per pupil
24 financial support as provided for in subsection (B).

25 (e) "Operating Tax Rate": All school district property
26 taxes extended for all purposes, except Bond and Interest,

1 Summer School, Rent, Capital Improvement, and Vocational
2 Education Building purposes.

3 (B) Foundation Level.

4 (1) The Foundation Level is a figure established by the
5 State representing the minimum level of per pupil financial
6 support that should be available to provide for the basic
7 education of each pupil in Average Daily Attendance. As set
8 forth in this Section, each school district is assumed to exert
9 a sufficient local taxing effort such that, in combination with
10 the aggregate of general State financial aid provided the
11 district, an aggregate of State and local resources are
12 available to meet the basic education needs of pupils in the
13 district.

14 (2) For the 1998-1999 school year, the Foundation Level of
15 support is \$4,225. For the 1999-2000 school year, the
16 Foundation Level of support is \$4,325. For the 2000-2001 school
17 year, the Foundation Level of support is \$4,425. For the
18 2001-2002 school year and 2002-2003 school year, the Foundation
19 Level of support is \$4,560. For the 2003-2004 school year, the
20 Foundation Level of support is \$4,810. For the 2004-2005 school
21 year, the Foundation Level of support is \$4,964. For the
22 2005-2006 school year, the Foundation Level of support is
23 \$5,164. For the 2006-2007 school year, the Foundation Level of
24 support is \$5,334. For the 2007-2008 school year, the
25 Foundation Level of support is \$5,734. For the 2008-2009 school

1 year, the Foundation Level of support is \$5,959.

2 (3) For the 2009-2010 school year and each school year
3 thereafter, the Foundation Level of support is \$6,119 or such
4 greater amount as may be established by law by the General
5 Assembly.

6 (C) Average Daily Attendance.

7 (1) For purposes of calculating general State aid pursuant
8 to subsection (E), an Average Daily Attendance figure shall be
9 utilized. The Average Daily Attendance figure for formula
10 calculation purposes shall be the monthly average of the actual
11 number of pupils in attendance of each school district, as
12 further averaged for the best 3 months of pupil attendance for
13 each school district. In compiling the figures for the number
14 of pupils in attendance, school districts and the State Board
15 of Education shall, for purposes of general State aid funding,
16 conform attendance figures to the requirements of subsection
17 (F).

18 (2) The Average Daily Attendance figures utilized in
19 subsection (E) shall be the requisite attendance data for the
20 school year immediately preceding the school year for which
21 general State aid is being calculated or the average of the
22 attendance data for the 3 preceding school years, whichever is
23 greater. The Average Daily Attendance figures utilized in
24 subsection (H) shall be the requisite attendance data for the
25 school year immediately preceding the school year for which

1 general State aid is being calculated.

2 (D) Available Local Resources.

3 (1) For purposes of calculating general State aid pursuant
4 to subsection (E), a representation of Available Local
5 Resources per pupil, as that term is defined and determined in
6 this subsection, shall be utilized. Available Local Resources
7 per pupil shall include a calculated dollar amount representing
8 local school district revenues from local property taxes and
9 from Corporate Personal Property Replacement Taxes, expressed
10 on the basis of pupils in Average Daily Attendance. Calculation
11 of Available Local Resources shall exclude any tax amnesty
12 funds received as a result of Public Act 93-26.

13 (2) In determining a school district's revenue from local
14 property taxes, the State Board of Education shall utilize the
15 equalized assessed valuation of all taxable property of each
16 school district as of September 30 of the previous year. The
17 equalized assessed valuation utilized shall be obtained and
18 determined as provided in subsection (G).

19 (3) For school districts maintaining grades kindergarten
20 through 12, local property tax revenues per pupil shall be
21 calculated as the product of the applicable equalized assessed
22 valuation for the district multiplied by 3.00%, and divided by
23 the district's Average Daily Attendance figure. For school
24 districts maintaining grades kindergarten through 8, local
25 property tax revenues per pupil shall be calculated as the

1 product of the applicable equalized assessed valuation for the
2 district multiplied by 2.30%, and divided by the district's
3 Average Daily Attendance figure. For school districts
4 maintaining grades 9 through 12, local property tax revenues
5 per pupil shall be the applicable equalized assessed valuation
6 of the district multiplied by 1.05%, and divided by the
7 district's Average Daily Attendance figure.

8 For partial elementary unit districts created pursuant to
9 Article 11E of this Code, local property tax revenues per pupil
10 shall be calculated as the product of the equalized assessed
11 valuation for property within the partial elementary unit
12 district for elementary purposes, as defined in Article 11E of
13 this Code, multiplied by 2.06% and divided by the district's
14 Average Daily Attendance figure, plus the product of the
15 equalized assessed valuation for property within the partial
16 elementary unit district for high school purposes, as defined
17 in Article 11E of this Code, multiplied by 0.94% and divided by
18 the district's Average Daily Attendance figure.

19 (4) The Corporate Personal Property Replacement Taxes paid
20 to each school district during the calendar year one year
21 before the calendar year in which a school year begins, divided
22 by the Average Daily Attendance figure for that district, shall
23 be added to the local property tax revenues per pupil as
24 derived by the application of the immediately preceding
25 paragraph (3). The sum of these per pupil figures for each
26 school district shall constitute Available Local Resources as

1 that term is utilized in subsection (E) in the calculation of
2 general State aid.

3 (E) Computation of General State Aid.

4 (1) For each school year, the amount of general State aid
5 allotted to a school district shall be computed by the State
6 Board of Education as provided in this subsection.

7 (2) For any school district for which Available Local
8 Resources per pupil is less than the product of 0.93 times the
9 Foundation Level, general State aid for that district shall be
10 calculated as an amount equal to the Foundation Level minus
11 Available Local Resources, multiplied by the Average Daily
12 Attendance of the school district.

13 (3) For any school district for which Available Local
14 Resources per pupil is equal to or greater than the product of
15 0.93 times the Foundation Level and less than the product of
16 1.75 times the Foundation Level, the general State aid per
17 pupil shall be a decimal proportion of the Foundation Level
18 derived using a linear algorithm. Under this linear algorithm,
19 the calculated general State aid per pupil shall decline in
20 direct linear fashion from 0.07 times the Foundation Level for
21 a school district with Available Local Resources equal to the
22 product of 0.93 times the Foundation Level, to 0.05 times the
23 Foundation Level for a school district with Available Local
24 Resources equal to the product of 1.75 times the Foundation
25 Level. The allocation of general State aid for school districts

1 subject to this paragraph 3 shall be the calculated general
2 State aid per pupil figure multiplied by the Average Daily
3 Attendance of the school district.

4 (4) For any school district for which Available Local
5 Resources per pupil equals or exceeds the product of 1.75 times
6 the Foundation Level, the general State aid for the school
7 district shall be calculated as the product of \$218 multiplied
8 by the Average Daily Attendance of the school district.

9 (5) The amount of general State aid allocated to a school
10 district for the 1999-2000 school year meeting the requirements
11 set forth in paragraph (4) of subsection (G) shall be increased
12 by an amount equal to the general State aid that would have
13 been received by the district for the 1998-1999 school year by
14 utilizing the Extension Limitation Equalized Assessed
15 Valuation as calculated in paragraph (4) of subsection (G) less
16 the general State aid allotted for the 1998-1999 school year.
17 This amount shall be deemed a one time increase, and shall not
18 affect any future general State aid allocations.

19 (F) Compilation of Average Daily Attendance.

20 (1) Each school district shall, by July 1 of each year,
21 submit to the State Board of Education, on forms prescribed by
22 the State Board of Education, attendance figures for the school
23 year that began in the preceding calendar year. The attendance
24 information so transmitted shall identify the average daily
25 attendance figures for each month of the school year. Beginning

1 with the general State aid claim form for the 2002-2003 school
2 year, districts shall calculate Average Daily Attendance as
3 provided in subdivisions (a), (b), and (c) of this paragraph
4 (1).

5 (a) In districts that do not hold year-round classes,
6 days of attendance in August shall be added to the month of
7 September and any days of attendance in June shall be added
8 to the month of May.

9 (b) In districts in which all buildings hold year-round
10 classes, days of attendance in July and August shall be
11 added to the month of September and any days of attendance
12 in June shall be added to the month of May.

13 (c) In districts in which some buildings, but not all,
14 hold year-round classes, for the non-year-round buildings,
15 days of attendance in August shall be added to the month of
16 September and any days of attendance in June shall be added
17 to the month of May. The average daily attendance for the
18 year-round buildings shall be computed as provided in
19 subdivision (b) of this paragraph (1). To calculate the
20 Average Daily Attendance for the district, the average
21 daily attendance for the year-round buildings shall be
22 multiplied by the days in session for the non-year-round
23 buildings for each month and added to the monthly
24 attendance of the non-year-round buildings.

25 Except as otherwise provided in this Section, days of
26 attendance by pupils shall be counted only for sessions of not

1 less than 5 clock hours of school work per day under direct
2 supervision of: (i) teachers, or (ii) non-teaching personnel or
3 volunteer personnel when engaging in non-teaching duties and
4 supervising in those instances specified in subsection (a) of
5 Section 10-22.34 and paragraph 10 of Section 34-18, with pupils
6 of legal school age and in kindergarten and grades 1 through
7 12.

8 Days of attendance by tuition pupils shall be accredited
9 only to the districts that pay the tuition to a recognized
10 school.

11 (2) Days of attendance by pupils of less than 5 clock hours
12 of school shall be subject to the following provisions in the
13 compilation of Average Daily Attendance.

14 (a) Pupils regularly enrolled in a public school for
15 only a part of the school day may be counted on the basis
16 of $1/6$ day for every class hour of instruction of 40
17 minutes or more attended pursuant to such enrollment,
18 unless a pupil is enrolled in a block-schedule format of 80
19 minutes or more of instruction, in which case the pupil may
20 be counted on the basis of the proportion of minutes of
21 school work completed each day to the minimum number of
22 minutes that school work is required to be held that day.

23 (b) (Blank).

24 (c) A session of 4 or more clock hours may be counted
25 as a day of attendance upon certification by the regional
26 superintendent, and approved by the State Superintendent

1 of Education to the extent that the district has been
2 forced to use daily multiple sessions.

3 (d) A session of 3 or more clock hours may be counted
4 as a day of attendance (1) when the remainder of the school
5 day or at least 2 hours in the evening of that day is
6 utilized for an in-service training program for teachers,
7 up to a maximum of 5 days per school year, provided a
8 district conducts an in-service training program for
9 teachers in accordance with Section 10-22.39 of this Code;
10 or, in lieu of 4 such days, 2 full days may be used, in
11 which event each such day may be counted as a day required
12 for a legal school calendar pursuant to Section 10-19 of
13 this Code; (1.5) when, of the 5 days allowed under item
14 (1), a maximum of 4 days are used for parent-teacher
15 conferences, or, in lieu of 4 such days, 2 full days are
16 used, in which case each such day may be counted as a
17 calendar day required under Section 10-19 of this Code,
18 provided that the full-day, parent-teacher conference
19 consists of (i) a minimum of 5 clock hours of
20 parent-teacher conferences, (ii) both a minimum of 2 clock
21 hours of parent-teacher conferences held in the evening
22 following a full day of student attendance, as specified in
23 subsection (F)(1)(c), and a minimum of 3 clock hours of
24 parent-teacher conferences held on the day immediately
25 following evening parent-teacher conferences, or (iii)
26 multiple parent-teacher conferences held in the evenings

1 following full days of student attendance, as specified in
2 subsection (F)(1)(c), in which the time used for the
3 parent-teacher conferences is equivalent to a minimum of 5
4 clock hours; and (2) when days in addition to those
5 provided in items (1) and (1.5) are scheduled by a school
6 pursuant to its school improvement plan adopted under
7 Article 34 or its revised or amended school improvement
8 plan adopted under Article 2, provided that (i) such
9 sessions of 3 or more clock hours are scheduled to occur at
10 regular intervals, (ii) the remainder of the school days in
11 which such sessions occur are utilized for in-service
12 training programs or other staff development activities
13 for teachers, and (iii) a sufficient number of minutes of
14 school work under the direct supervision of teachers are
15 added to the school days between such regularly scheduled
16 sessions to accumulate not less than the number of minutes
17 by which such sessions of 3 or more clock hours fall short
18 of 5 clock hours. Any full days used for the purposes of
19 this paragraph shall not be considered for computing
20 average daily attendance. Days scheduled for in-service
21 training programs, staff development activities, or
22 parent-teacher conferences may be scheduled separately for
23 different grade levels and different attendance centers of
24 the district.

25 (e) A session of not less than one clock hour of
26 teaching hospitalized or homebound pupils on-site or by

1 telephone to the classroom may be counted as 1/2 day of
2 attendance, however these pupils must receive 4 or more
3 clock hours of instruction to be counted for a full day of
4 attendance.

5 (f) A session of at least 4 clock hours may be counted
6 as a day of attendance for first grade pupils, and pupils
7 in full day kindergartens, and a session of 2 or more hours
8 may be counted as 1/2 day of attendance by pupils in
9 kindergartens which provide only 1/2 day of attendance.

10 (g) For children with disabilities who are below the
11 age of 6 years and who cannot attend 2 or more clock hours
12 because of their disability or immaturity, a session of not
13 less than one clock hour may be counted as 1/2 day of
14 attendance; however for such children whose educational
15 needs so require a session of 4 or more clock hours may be
16 counted as a full day of attendance.

17 (h) A recognized kindergarten which provides for only
18 1/2 day of attendance by each pupil shall not have more
19 than 1/2 day of attendance counted in any one day. However,
20 kindergartens may count 2 1/2 days of attendance in any 5
21 consecutive school days. When a pupil attends such a
22 kindergarten for 2 half days on any one school day, the
23 pupil shall have the following day as a day absent from
24 school, unless the school district obtains permission in
25 writing from the State Superintendent of Education.
26 Attendance at kindergartens which provide for a full day of

1 attendance by each pupil shall be counted the same as
2 attendance by first grade pupils. Only the first year of
3 attendance in one kindergarten shall be counted, except in
4 case of children who entered the kindergarten in their
5 fifth year whose educational development requires a second
6 year of kindergarten as determined under the rules and
7 regulations of the State Board of Education.

8 (i) On the days when the assessment that includes a
9 college and career ready determination ~~Prairie State~~
10 ~~Achievement Examination~~ is administered under subsection
11 (c) of Section 2-3.64a-5 ~~2-3.64~~ of this Code, the day of
12 attendance for a pupil whose school day must be shortened
13 to accommodate required testing procedures may be less than
14 5 clock hours and shall be counted towards the 176 days of
15 actual pupil attendance required under Section 10-19 of
16 this Code, provided that a sufficient number of minutes of
17 school work in excess of 5 clock hours are first completed
18 on other school days to compensate for the loss of school
19 work on the examination days.

20 (j) Pupils enrolled in a remote educational program
21 established under Section 10-29 of this Code may be counted
22 on the basis of one-fifth day of attendance for every clock
23 hour of instruction attended in the remote educational
24 program, provided that, in any month, the school district
25 may not claim for a student enrolled in a remote
26 educational program more days of attendance than the

1 maximum number of days of attendance the district can claim
2 (i) for students enrolled in a building holding year-round
3 classes if the student is classified as participating in
4 the remote educational program on a year-round schedule or
5 (ii) for students enrolled in a building not holding
6 year-round classes if the student is not classified as
7 participating in the remote educational program on a
8 year-round schedule.

9 (G) Equalized Assessed Valuation Data.

10 (1) For purposes of the calculation of Available Local
11 Resources required pursuant to subsection (D), the State Board
12 of Education shall secure from the Department of Revenue the
13 value as equalized or assessed by the Department of Revenue of
14 all taxable property of every school district, together with
15 (i) the applicable tax rate used in extending taxes for the
16 funds of the district as of September 30 of the previous year
17 and (ii) the limiting rate for all school districts subject to
18 property tax extension limitations as imposed under the
19 Property Tax Extension Limitation Law.

20 The Department of Revenue shall add to the equalized
21 assessed value of all taxable property of each school district
22 situated entirely or partially within a county that is or was
23 subject to the provisions of Section 15-176 or 15-177 of the
24 Property Tax Code (a) an amount equal to the total amount by
25 which the homestead exemption allowed under Section 15-176 or

1 15-177 of the Property Tax Code for real property situated in
2 that school district exceeds the total amount that would have
3 been allowed in that school district if the maximum reduction
4 under Section 15-176 was (i) \$4,500 in Cook County or \$3,500 in
5 all other counties in tax year 2003 or (ii) \$5,000 in all
6 counties in tax year 2004 and thereafter and (b) an amount
7 equal to the aggregate amount for the taxable year of all
8 additional exemptions under Section 15-175 of the Property Tax
9 Code for owners with a household income of \$30,000 or less. The
10 county clerk of any county that is or was subject to the
11 provisions of Section 15-176 or 15-177 of the Property Tax Code
12 shall annually calculate and certify to the Department of
13 Revenue for each school district all homestead exemption
14 amounts under Section 15-176 or 15-177 of the Property Tax Code
15 and all amounts of additional exemptions under Section 15-175
16 of the Property Tax Code for owners with a household income of
17 \$30,000 or less. It is the intent of this paragraph that if the
18 general homestead exemption for a parcel of property is
19 determined under Section 15-176 or 15-177 of the Property Tax
20 Code rather than Section 15-175, then the calculation of
21 Available Local Resources shall not be affected by the
22 difference, if any, between the amount of the general homestead
23 exemption allowed for that parcel of property under Section
24 15-176 or 15-177 of the Property Tax Code and the amount that
25 would have been allowed had the general homestead exemption for
26 that parcel of property been determined under Section 15-175 of

1 the Property Tax Code. It is further the intent of this
2 paragraph that if additional exemptions are allowed under
3 Section 15-175 of the Property Tax Code for owners with a
4 household income of less than \$30,000, then the calculation of
5 Available Local Resources shall not be affected by the
6 difference, if any, because of those additional exemptions.

7 This equalized assessed valuation, as adjusted further by
8 the requirements of this subsection, shall be utilized in the
9 calculation of Available Local Resources.

10 (2) The equalized assessed valuation in paragraph (1) shall
11 be adjusted, as applicable, in the following manner:

12 (a) For the purposes of calculating State aid under
13 this Section, with respect to any part of a school district
14 within a redevelopment project area in respect to which a
15 municipality has adopted tax increment allocation
16 financing pursuant to the Tax Increment Allocation
17 Redevelopment Act, Sections 11-74.4-1 through 11-74.4-11
18 of the Illinois Municipal Code or the Industrial Jobs
19 Recovery Law, Sections 11-74.6-1 through 11-74.6-50 of the
20 Illinois Municipal Code, no part of the current equalized
21 assessed valuation of real property located in any such
22 project area which is attributable to an increase above the
23 total initial equalized assessed valuation of such
24 property shall be used as part of the equalized assessed
25 valuation of the district, until such time as all
26 redevelopment project costs have been paid, as provided in

1 Section 11-74.4-8 of the Tax Increment Allocation
2 Redevelopment Act or in Section 11-74.6-35 of the
3 Industrial Jobs Recovery Law. For the purpose of the
4 equalized assessed valuation of the district, the total
5 initial equalized assessed valuation or the current
6 equalized assessed valuation, whichever is lower, shall be
7 used until such time as all redevelopment project costs
8 have been paid.

9 (b) The real property equalized assessed valuation for
10 a school district shall be adjusted by subtracting from the
11 real property value as equalized or assessed by the
12 Department of Revenue for the district an amount computed
13 by dividing the amount of any abatement of taxes under
14 Section 18-170 of the Property Tax Code by 3.00% for a
15 district maintaining grades kindergarten through 12, by
16 2.30% for a district maintaining grades kindergarten
17 through 8, or by 1.05% for a district maintaining grades 9
18 through 12 and adjusted by an amount computed by dividing
19 the amount of any abatement of taxes under subsection (a)
20 of Section 18-165 of the Property Tax Code by the same
21 percentage rates for district type as specified in this
22 subparagraph (b).

23 (3) For the 1999-2000 school year and each school year
24 thereafter, if a school district meets all of the criteria of
25 this subsection (G) (3), the school district's Available Local
26 Resources shall be calculated under subsection (D) using the

1 district's Extension Limitation Equalized Assessed Valuation
2 as calculated under this subsection (G) (3).

3 For purposes of this subsection (G) (3) the following terms
4 shall have the following meanings:

5 "Budget Year": The school year for which general State
6 aid is calculated and awarded under subsection (E).

7 "Base Tax Year": The property tax levy year used to
8 calculate the Budget Year allocation of general State aid.

9 "Preceding Tax Year": The property tax levy year
10 immediately preceding the Base Tax Year.

11 "Base Tax Year's Tax Extension": The product of the
12 equalized assessed valuation utilized by the County Clerk
13 in the Base Tax Year multiplied by the limiting rate as
14 calculated by the County Clerk and defined in the Property
15 Tax Extension Limitation Law.

16 "Preceding Tax Year's Tax Extension": The product of
17 the equalized assessed valuation utilized by the County
18 Clerk in the Preceding Tax Year multiplied by the Operating
19 Tax Rate as defined in subsection (A).

20 "Extension Limitation Ratio": A numerical ratio,
21 certified by the County Clerk, in which the numerator is
22 the Base Tax Year's Tax Extension and the denominator is
23 the Preceding Tax Year's Tax Extension.

24 "Operating Tax Rate": The operating tax rate as defined
25 in subsection (A).

26 If a school district is subject to property tax extension

1 limitations as imposed under the Property Tax Extension
2 Limitation Law, the State Board of Education shall calculate
3 the Extension Limitation Equalized Assessed Valuation of that
4 district. For the 1999-2000 school year, the Extension
5 Limitation Equalized Assessed Valuation of a school district as
6 calculated by the State Board of Education shall be equal to
7 the product of the district's 1996 Equalized Assessed Valuation
8 and the district's Extension Limitation Ratio. Except as
9 otherwise provided in this paragraph for a school district that
10 has approved or does approve an increase in its limiting rate,
11 for the 2000-2001 school year and each school year thereafter,
12 the Extension Limitation Equalized Assessed Valuation of a
13 school district as calculated by the State Board of Education
14 shall be equal to the product of the Equalized Assessed
15 Valuation last used in the calculation of general State aid and
16 the district's Extension Limitation Ratio. If the Extension
17 Limitation Equalized Assessed Valuation of a school district as
18 calculated under this subsection (G)(3) is less than the
19 district's equalized assessed valuation as calculated pursuant
20 to subsections (G)(1) and (G)(2), then for purposes of
21 calculating the district's general State aid for the Budget
22 Year pursuant to subsection (E), that Extension Limitation
23 Equalized Assessed Valuation shall be utilized to calculate the
24 district's Available Local Resources under subsection (D). For
25 the 2009-2010 school year and each school year thereafter, if a
26 school district has approved or does approve an increase in its

1 limiting rate, pursuant to Section 18-190 of the Property Tax
2 Code, affecting the Base Tax Year, the Extension Limitation
3 Equalized Assessed Valuation of the school district, as
4 calculated by the State Board of Education, shall be equal to
5 the product of the Equalized Assessed Valuation last used in
6 the calculation of general State aid times an amount equal to
7 one plus the percentage increase, if any, in the Consumer Price
8 Index for all Urban Consumers for all items published by the
9 United States Department of Labor for the 12-month calendar
10 year preceding the Base Tax Year, plus the Equalized Assessed
11 Valuation of new property, annexed property, and recovered tax
12 increment value and minus the Equalized Assessed Valuation of
13 disconnected property. New property and recovered tax
14 increment value shall have the meanings set forth in the
15 Property Tax Extension Limitation Law.

16 Partial elementary unit districts created in accordance
17 with Article 11E of this Code shall not be eligible for the
18 adjustment in this subsection (G)(3) until the fifth year
19 following the effective date of the reorganization.

20 (3.5) For the 2010-2011 school year and each school year
21 thereafter, if a school district's boundaries span multiple
22 counties, then the Department of Revenue shall send to the
23 State Board of Education, for the purpose of calculating
24 general State aid, the limiting rate and individual rates by
25 purpose for the county that contains the majority of the school
26 district's Equalized Assessed Valuation.

1 (4) For the purposes of calculating general State aid for
2 the 1999-2000 school year only, if a school district
3 experienced a triennial reassessment on the equalized assessed
4 valuation used in calculating its general State financial aid
5 apportionment for the 1998-1999 school year, the State Board of
6 Education shall calculate the Extension Limitation Equalized
7 Assessed Valuation that would have been used to calculate the
8 district's 1998-1999 general State aid. This amount shall equal
9 the product of the equalized assessed valuation used to
10 calculate general State aid for the 1997-1998 school year and
11 the district's Extension Limitation Ratio. If the Extension
12 Limitation Equalized Assessed Valuation of the school district
13 as calculated under this paragraph (4) is less than the
14 district's equalized assessed valuation utilized in
15 calculating the district's 1998-1999 general State aid
16 allocation, then for purposes of calculating the district's
17 general State aid pursuant to paragraph (5) of subsection (E),
18 that Extension Limitation Equalized Assessed Valuation shall
19 be utilized to calculate the district's Available Local
20 Resources.

21 (5) For school districts having a majority of their
22 equalized assessed valuation in any county except Cook, DuPage,
23 Kane, Lake, McHenry, or Will, if the amount of general State
24 aid allocated to the school district for the 1999-2000 school
25 year under the provisions of subsection (E), (H), and (J) of
26 this Section is less than the amount of general State aid

1 allocated to the district for the 1998-1999 school year under
2 these subsections, then the general State aid of the district
3 for the 1999-2000 school year only shall be increased by the
4 difference between these amounts. The total payments made under
5 this paragraph (5) shall not exceed \$14,000,000. Claims shall
6 be prorated if they exceed \$14,000,000.

7 (H) Supplemental General State Aid.

8 (1) In addition to the general State aid a school district
9 is allotted pursuant to subsection (E), qualifying school
10 districts shall receive a grant, paid in conjunction with a
11 district's payments of general State aid, for supplemental
12 general State aid based upon the concentration level of
13 children from low-income households within the school
14 district. Supplemental State aid grants provided for school
15 districts under this subsection shall be appropriated for
16 distribution to school districts as part of the same line item
17 in which the general State financial aid of school districts is
18 appropriated under this Section.

19 (1.5) This paragraph (1.5) applies only to those school
20 years preceding the 2003-2004 school year. For purposes of this
21 subsection (H), the term "Low-Income Concentration Level"
22 shall be the low-income eligible pupil count from the most
23 recently available federal census divided by the Average Daily
24 Attendance of the school district. If, however, (i) the
25 percentage decrease from the 2 most recent federal censuses in

1 the low-income eligible pupil count of a high school district
2 with fewer than 400 students exceeds by 75% or more the
3 percentage change in the total low-income eligible pupil count
4 of contiguous elementary school districts, whose boundaries
5 are coterminous with the high school district, or (ii) a high
6 school district within 2 counties and serving 5 elementary
7 school districts, whose boundaries are coterminous with the
8 high school district, has a percentage decrease from the 2 most
9 recent federal censuses in the low-income eligible pupil count
10 and there is a percentage increase in the total low-income
11 eligible pupil count of a majority of the elementary school
12 districts in excess of 50% from the 2 most recent federal
13 censuses, then the high school district's low-income eligible
14 pupil count from the earlier federal census shall be the number
15 used as the low-income eligible pupil count for the high school
16 district, for purposes of this subsection (H). The changes made
17 to this paragraph (1) by Public Act 92-28 shall apply to
18 supplemental general State aid grants for school years
19 preceding the 2003-2004 school year that are paid in fiscal
20 year 1999 or thereafter and to any State aid payments made in
21 fiscal year 1994 through fiscal year 1998 pursuant to
22 subsection 1(n) of Section 18-8 of this Code (which was
23 repealed on July 1, 1998), and any high school district that is
24 affected by Public Act 92-28 is entitled to a recomputation of
25 its supplemental general State aid grant or State aid paid in
26 any of those fiscal years. This recomputation shall not be

1 affected by any other funding.

2 (1.10) This paragraph (1.10) applies to the 2003-2004
3 school year and each school year thereafter. For purposes of
4 this subsection (H), the term "Low-Income Concentration Level"
5 shall, for each fiscal year, be the low-income eligible pupil
6 count as of July 1 of the immediately preceding fiscal year (as
7 determined by the Department of Human Services based on the
8 number of pupils who are eligible for at least one of the
9 following low income programs: Medicaid, the Children's Health
10 Insurance Program, TANF, or Food Stamps, excluding pupils who
11 are eligible for services provided by the Department of
12 Children and Family Services, averaged over the 2 immediately
13 preceding fiscal years for fiscal year 2004 and over the 3
14 immediately preceding fiscal years for each fiscal year
15 thereafter) divided by the Average Daily Attendance of the
16 school district.

17 (2) Supplemental general State aid pursuant to this
18 subsection (H) shall be provided as follows for the 1998-1999,
19 1999-2000, and 2000-2001 school years only:

20 (a) For any school district with a Low Income
21 Concentration Level of at least 20% and less than 35%, the
22 grant for any school year shall be \$800 multiplied by the
23 low income eligible pupil count.

24 (b) For any school district with a Low Income
25 Concentration Level of at least 35% and less than 50%, the
26 grant for the 1998-1999 school year shall be \$1,100

1 multiplied by the low income eligible pupil count.

2 (c) For any school district with a Low Income
3 Concentration Level of at least 50% and less than 60%, the
4 grant for the 1998-99 school year shall be \$1,500
5 multiplied by the low income eligible pupil count.

6 (d) For any school district with a Low Income
7 Concentration Level of 60% or more, the grant for the
8 1998-99 school year shall be \$1,900 multiplied by the low
9 income eligible pupil count.

10 (e) For the 1999-2000 school year, the per pupil amount
11 specified in subparagraphs (b), (c), and (d) immediately
12 above shall be increased to \$1,243, \$1,600, and \$2,000,
13 respectively.

14 (f) For the 2000-2001 school year, the per pupil
15 amounts specified in subparagraphs (b), (c), and (d)
16 immediately above shall be \$1,273, \$1,640, and \$2,050,
17 respectively.

18 (2.5) Supplemental general State aid pursuant to this
19 subsection (H) shall be provided as follows for the 2002-2003
20 school year:

21 (a) For any school district with a Low Income
22 Concentration Level of less than 10%, the grant for each
23 school year shall be \$355 multiplied by the low income
24 eligible pupil count.

25 (b) For any school district with a Low Income
26 Concentration Level of at least 10% and less than 20%, the

1 grant for each school year shall be \$675 multiplied by the
2 low income eligible pupil count.

3 (c) For any school district with a Low Income
4 Concentration Level of at least 20% and less than 35%, the
5 grant for each school year shall be \$1,330 multiplied by
6 the low income eligible pupil count.

7 (d) For any school district with a Low Income
8 Concentration Level of at least 35% and less than 50%, the
9 grant for each school year shall be \$1,362 multiplied by
10 the low income eligible pupil count.

11 (e) For any school district with a Low Income
12 Concentration Level of at least 50% and less than 60%, the
13 grant for each school year shall be \$1,680 multiplied by
14 the low income eligible pupil count.

15 (f) For any school district with a Low Income
16 Concentration Level of 60% or more, the grant for each
17 school year shall be \$2,080 multiplied by the low income
18 eligible pupil count.

19 (2.10) Except as otherwise provided, supplemental general
20 State aid pursuant to this subsection (H) shall be provided as
21 follows for the 2003-2004 school year and each school year
22 thereafter:

23 (a) For any school district with a Low Income
24 Concentration Level of 15% or less, the grant for each
25 school year shall be \$355 multiplied by the low income
26 eligible pupil count.

1 (b) For any school district with a Low Income
2 Concentration Level greater than 15%, the grant for each
3 school year shall be \$294.25 added to the product of \$2,700
4 and the square of the Low Income Concentration Level, all
5 multiplied by the low income eligible pupil count.

6 For the 2003-2004 school year and each school year
7 thereafter through the 2008-2009 school year only, the grant
8 shall be no less than the grant for the 2002-2003 school year.
9 For the 2009-2010 school year only, the grant shall be no less
10 than the grant for the 2002-2003 school year multiplied by
11 0.66. For the 2010-2011 school year only, the grant shall be no
12 less than the grant for the 2002-2003 school year multiplied by
13 0.33. Notwithstanding the provisions of this paragraph to the
14 contrary, if for any school year supplemental general State aid
15 grants are prorated as provided in paragraph (1) of this
16 subsection (H), then the grants under this paragraph shall be
17 prorated.

18 For the 2003-2004 school year only, the grant shall be no
19 greater than the grant received during the 2002-2003 school
20 year added to the product of 0.25 multiplied by the difference
21 between the grant amount calculated under subsection (a) or (b)
22 of this paragraph (2.10), whichever is applicable, and the
23 grant received during the 2002-2003 school year. For the
24 2004-2005 school year only, the grant shall be no greater than
25 the grant received during the 2002-2003 school year added to
26 the product of 0.50 multiplied by the difference between the

1 grant amount calculated under subsection (a) or (b) of this
2 paragraph (2.10), whichever is applicable, and the grant
3 received during the 2002-2003 school year. For the 2005-2006
4 school year only, the grant shall be no greater than the grant
5 received during the 2002-2003 school year added to the product
6 of 0.75 multiplied by the difference between the grant amount
7 calculated under subsection (a) or (b) of this paragraph
8 (2.10), whichever is applicable, and the grant received during
9 the 2002-2003 school year.

10 (3) School districts with an Average Daily Attendance of
11 more than 1,000 and less than 50,000 that qualify for
12 supplemental general State aid pursuant to this subsection
13 shall submit a plan to the State Board of Education prior to
14 October 30 of each year for the use of the funds resulting from
15 this grant of supplemental general State aid for the
16 improvement of instruction in which priority is given to
17 meeting the education needs of disadvantaged children. Such
18 plan shall be submitted in accordance with rules and
19 regulations promulgated by the State Board of Education.

20 (4) School districts with an Average Daily Attendance of
21 50,000 or more that qualify for supplemental general State aid
22 pursuant to this subsection shall be required to distribute
23 from funds available pursuant to this Section, no less than
24 \$261,000,000 in accordance with the following requirements:

25 (a) The required amounts shall be distributed to the
26 attendance centers within the district in proportion to the

1 number of pupils enrolled at each attendance center who are
2 eligible to receive free or reduced-price lunches or
3 breakfasts under the federal Child Nutrition Act of 1966
4 and under the National School Lunch Act during the
5 immediately preceding school year.

6 (b) The distribution of these portions of supplemental
7 and general State aid among attendance centers according to
8 these requirements shall not be compensated for or
9 contravened by adjustments of the total of other funds
10 appropriated to any attendance centers, and the Board of
11 Education shall utilize funding from one or several sources
12 in order to fully implement this provision annually prior
13 to the opening of school.

14 (c) Each attendance center shall be provided by the
15 school district a distribution of noncategorical funds and
16 other categorical funds to which an attendance center is
17 entitled under law in order that the general State aid and
18 supplemental general State aid provided by application of
19 this subsection supplements rather than supplants the
20 noncategorical funds and other categorical funds provided
21 by the school district to the attendance centers.

22 (d) Any funds made available under this subsection that
23 by reason of the provisions of this subsection are not
24 required to be allocated and provided to attendance centers
25 may be used and appropriated by the board of the district
26 for any lawful school purpose.

1 (e) Funds received by an attendance center pursuant to
2 this subsection shall be used by the attendance center at
3 the discretion of the principal and local school council
4 for programs to improve educational opportunities at
5 qualifying schools through the following programs and
6 services: early childhood education, reduced class size or
7 improved adult to student classroom ratio, enrichment
8 programs, remedial assistance, attendance improvement, and
9 other educationally beneficial expenditures which
10 supplement the regular and basic programs as determined by
11 the State Board of Education. Funds provided shall not be
12 expended for any political or lobbying purposes as defined
13 by board rule.

14 (f) Each district subject to the provisions of this
15 subdivision (H) (4) shall submit an acceptable plan to meet
16 the educational needs of disadvantaged children, in
17 compliance with the requirements of this paragraph, to the
18 State Board of Education prior to July 15 of each year.
19 This plan shall be consistent with the decisions of local
20 school councils concerning the school expenditure plans
21 developed in accordance with part 4 of Section 34-2.3. The
22 State Board shall approve or reject the plan within 60 days
23 after its submission. If the plan is rejected, the district
24 shall give written notice of intent to modify the plan
25 within 15 days of the notification of rejection and then
26 submit a modified plan within 30 days after the date of the

1 written notice of intent to modify. Districts may amend
2 approved plans pursuant to rules promulgated by the State
3 Board of Education.

4 Upon notification by the State Board of Education that
5 the district has not submitted a plan prior to July 15 or a
6 modified plan within the time period specified herein, the
7 State aid funds affected by that plan or modified plan
8 shall be withheld by the State Board of Education until a
9 plan or modified plan is submitted.

10 If the district fails to distribute State aid to
11 attendance centers in accordance with an approved plan, the
12 plan for the following year shall allocate funds, in
13 addition to the funds otherwise required by this
14 subsection, to those attendance centers which were
15 underfunded during the previous year in amounts equal to
16 such underfunding.

17 For purposes of determining compliance with this
18 subsection in relation to the requirements of attendance
19 center funding, each district subject to the provisions of
20 this subsection shall submit as a separate document by
21 December 1 of each year a report of expenditure data for
22 the prior year in addition to any modification of its
23 current plan. If it is determined that there has been a
24 failure to comply with the expenditure provisions of this
25 subsection regarding contravention or supplanting, the
26 State Superintendent of Education shall, within 60 days of

1 receipt of the report, notify the district and any affected
2 local school council. The district shall within 45 days of
3 receipt of that notification inform the State
4 Superintendent of Education of the remedial or corrective
5 action to be taken, whether by amendment of the current
6 plan, if feasible, or by adjustment in the plan for the
7 following year. Failure to provide the expenditure report
8 or the notification of remedial or corrective action in a
9 timely manner shall result in a withholding of the affected
10 funds.

11 The State Board of Education shall promulgate rules and
12 regulations to implement the provisions of this
13 subsection. No funds shall be released under this
14 subdivision (H) (4) to any district that has not submitted a
15 plan that has been approved by the State Board of
16 Education.

17 (I) (Blank).

18 (J) (Blank).

19 (K) Grants to Laboratory and Alternative Schools.

20 In calculating the amount to be paid to the governing board
21 of a public university that operates a laboratory school under
22 this Section or to any alternative school that is operated by a
23 regional superintendent of schools, the State Board of

1 Education shall require by rule such reporting requirements as
2 it deems necessary.

3 As used in this Section, "laboratory school" means a public
4 school which is created and operated by a public university and
5 approved by the State Board of Education. The governing board
6 of a public university which receives funds from the State
7 Board under this subsection (K) may not increase the number of
8 students enrolled in its laboratory school from a single
9 district, if that district is already sending 50 or more
10 students, except under a mutual agreement between the school
11 board of a student's district of residence and the university
12 which operates the laboratory school. A laboratory school may
13 not have more than 1,000 students, excluding students with
14 disabilities in a special education program.

15 As used in this Section, "alternative school" means a
16 public school which is created and operated by a Regional
17 Superintendent of Schools and approved by the State Board of
18 Education. Such alternative schools may offer courses of
19 instruction for which credit is given in regular school
20 programs, courses to prepare students for the high school
21 equivalency testing program or vocational and occupational
22 training. A regional superintendent of schools may contract
23 with a school district or a public community college district
24 to operate an alternative school. An alternative school serving
25 more than one educational service region may be established by
26 the regional superintendents of schools of the affected

1 educational service regions. An alternative school serving
2 more than one educational service region may be operated under
3 such terms as the regional superintendents of schools of those
4 educational service regions may agree.

5 Each laboratory and alternative school shall file, on forms
6 provided by the State Superintendent of Education, an annual
7 State aid claim which states the Average Daily Attendance of
8 the school's students by month. The best 3 months' Average
9 Daily Attendance shall be computed for each school. The general
10 State aid entitlement shall be computed by multiplying the
11 applicable Average Daily Attendance by the Foundation Level as
12 determined under this Section.

13 (L) Payments, Additional Grants in Aid and Other Requirements.

14 (1) For a school district operating under the financial
15 supervision of an Authority created under Article 34A, the
16 general State aid otherwise payable to that district under this
17 Section, but not the supplemental general State aid, shall be
18 reduced by an amount equal to the budget for the operations of
19 the Authority as certified by the Authority to the State Board
20 of Education, and an amount equal to such reduction shall be
21 paid to the Authority created for such district for its
22 operating expenses in the manner provided in Section 18-11. The
23 remainder of general State school aid for any such district
24 shall be paid in accordance with Article 34A when that Article
25 provides for a disposition other than that provided by this

1 Article.

2 (2) (Blank).

3 (3) Summer school. Summer school payments shall be made as
4 provided in Section 18-4.3.

5 (M) Education Funding Advisory Board.

6 The Education Funding Advisory Board, hereinafter in this
7 subsection (M) referred to as the "Board", is hereby created.
8 The Board shall consist of 5 members who are appointed by the
9 Governor, by and with the advice and consent of the Senate. The
10 members appointed shall include representatives of education,
11 business, and the general public. One of the members so
12 appointed shall be designated by the Governor at the time the
13 appointment is made as the chairperson of the Board. The
14 initial members of the Board may be appointed any time after
15 the effective date of this amendatory Act of 1997. The regular
16 term of each member of the Board shall be for 4 years from the
17 third Monday of January of the year in which the term of the
18 member's appointment is to commence, except that of the 5
19 initial members appointed to serve on the Board, the member who
20 is appointed as the chairperson shall serve for a term that
21 commences on the date of his or her appointment and expires on
22 the third Monday of January, 2002, and the remaining 4 members,
23 by lots drawn at the first meeting of the Board that is held
24 after all 5 members are appointed, shall determine 2 of their
25 number to serve for terms that commence on the date of their

1 respective appointments and expire on the third Monday of
2 January, 2001, and 2 of their number to serve for terms that
3 commence on the date of their respective appointments and
4 expire on the third Monday of January, 2000. All members
5 appointed to serve on the Board shall serve until their
6 respective successors are appointed and confirmed. Vacancies
7 shall be filled in the same manner as original appointments. If
8 a vacancy in membership occurs at a time when the Senate is not
9 in session, the Governor shall make a temporary appointment
10 until the next meeting of the Senate, when he or she shall
11 appoint, by and with the advice and consent of the Senate, a
12 person to fill that membership for the unexpired term. If the
13 Senate is not in session when the initial appointments are
14 made, those appointments shall be made as in the case of
15 vacancies.

16 The Education Funding Advisory Board shall be deemed
17 established, and the initial members appointed by the Governor
18 to serve as members of the Board shall take office, on the date
19 that the Governor makes his or her appointment of the fifth
20 initial member of the Board, whether those initial members are
21 then serving pursuant to appointment and confirmation or
22 pursuant to temporary appointments that are made by the
23 Governor as in the case of vacancies.

24 The State Board of Education shall provide such staff
25 assistance to the Education Funding Advisory Board as is
26 reasonably required for the proper performance by the Board of

1 its responsibilities.

2 For school years after the 2000-2001 school year, the
3 Education Funding Advisory Board, in consultation with the
4 State Board of Education, shall make recommendations as
5 provided in this subsection (M) to the General Assembly for the
6 foundation level under subdivision (B)(3) of this Section and
7 for the supplemental general State aid grant level under
8 subsection (H) of this Section for districts with high
9 concentrations of children from poverty. The recommended
10 foundation level shall be determined based on a methodology
11 which incorporates the basic education expenditures of
12 low-spending schools exhibiting high academic performance. The
13 Education Funding Advisory Board shall make such
14 recommendations to the General Assembly on January 1 of odd
15 numbered years, beginning January 1, 2001.

16 (N) (Blank).

17 (O) References.

18 (1) References in other laws to the various subdivisions of
19 Section 18-8 as that Section existed before its repeal and
20 replacement by this Section 18-8.05 shall be deemed to refer to
21 the corresponding provisions of this Section 18-8.05, to the
22 extent that those references remain applicable.

23 (2) References in other laws to State Chapter 1 funds shall
24 be deemed to refer to the supplemental general State aid

1 provided under subsection (H) of this Section.

2 (P) Public Act 93-838 and Public Act 93-808 make inconsistent
3 changes to this Section. Under Section 6 of the Statute on
4 Statutes there is an irreconcilable conflict between Public Act
5 93-808 and Public Act 93-838. Public Act 93-838, being the last
6 acted upon, is controlling. The text of Public Act 93-838 is
7 the law regardless of the text of Public Act 93-808.

8 (Source: P.A. 96-45, eff. 7-15-09; 96-152, eff. 8-7-09; 96-300,
9 eff. 8-11-09; 96-328, eff. 8-11-09; 96-640, eff. 8-24-09;
10 96-959, eff. 7-1-10; 96-1000, eff. 7-2-10; 96-1480, eff.
11 11-18-10; 97-339, eff. 8-12-11; 97-351, eff. 8-12-11; 97-742,
12 eff. 6-30-13; 97-813, eff. 7-13-12.)

13 (105 ILCS 5/21B-75)

14 Sec. 21B-75. Suspension or revocation of license.

15 (a) As used in this Section, "teacher" means any school
16 district employee regularly required to be licensed, as
17 provided in this Article, in order to teach or supervise in the
18 public schools.

19 (b) The State Superintendent of Education has the exclusive
20 authority, in accordance with this Section and any rules
21 adopted by the State Board of Education, in consultation with
22 the State Educator Preparation and Licensure Board, to initiate
23 the suspension of up to 5 calendar years or revocation of any
24 license issued pursuant to this Article for abuse or neglect of

1 a child, immorality, a condition of health detrimental to the
2 welfare of pupils, incompetency, unprofessional conduct (which
3 includes the failure to disclose on an employment application
4 any previous conviction for a sex offense, as defined in
5 Section 21B-80 of this Code, or any other offense committed in
6 any other state or against the laws of the United States that,
7 if committed in this State, would be punishable as a sex
8 offense, as defined in Section 21B-80 of this Code), the
9 neglect of any professional duty, willful failure to report an
10 instance of suspected child abuse or neglect as required by the
11 Abused and Neglected Child Reporting Act, failure to establish
12 satisfactory repayment on an educational loan guaranteed by the
13 Illinois Student Assistance Commission, or other just cause.
14 Unprofessional conduct shall include the refusal to attend or
15 participate in institutes, teachers' meetings, or professional
16 readings or to meet other reasonable requirements of the
17 regional superintendent of schools or State Superintendent of
18 Education. Unprofessional conduct also includes conduct that
19 violates the standards, ethics, or rules applicable to the
20 security, administration, monitoring, or scoring of or the
21 reporting of scores from any assessment test or examination
22 administered under Section 2-3.64a-5 ~~2-3.64~~ of this Code or
23 that is known or intended to produce or report manipulated or
24 artificial, rather than actual, assessment or achievement
25 results or gains from the administration of those tests or
26 examinations. Unprofessional conduct shall also include

1 neglect or unnecessary delay in the making of statistical and
2 other reports required by school officers. Incompetency shall
3 include, without limitation, 2 or more school terms of service
4 for which the license holder has received an unsatisfactory
5 rating on a performance evaluation conducted pursuant to
6 Article 24A of this Code within a period of 7 school terms of
7 service. In determining whether to initiate action against one
8 or more licenses based on incompetency and the recommended
9 sanction for such action, the State Superintendent shall
10 consider factors that include without limitation all of the
11 following:

12 (1) Whether the unsatisfactory evaluation ratings
13 occurred prior to June 13, 2011 (the effective date of
14 Public Act 97-8).

15 (2) Whether the unsatisfactory evaluation ratings
16 occurred prior to or after the implementation date, as
17 defined in Section 24A-2.5 of this Code, of an evaluation
18 system for teachers in a school district.

19 (3) Whether the evaluator or evaluators who performed
20 an unsatisfactory evaluation met the pre-licensure and
21 training requirements set forth in Section 24A-3 of this
22 Code.

23 (4) The time between the unsatisfactory evaluation
24 ratings.

25 (5) The quality of the remediation plans associated
26 with the unsatisfactory evaluation ratings and whether the

1 license holder successfully completed the remediation
2 plans.

3 (6) Whether the unsatisfactory evaluation ratings were
4 related to the same or different assignments performed by
5 the license holder.

6 (7) Whether one or more of the unsatisfactory
7 evaluation ratings occurred in the first year of a teaching
8 or administrative assignment.

9 When initiating an action against one or more licenses, the
10 State Superintendent may seek required professional
11 development as a sanction in lieu of or in addition to
12 suspension or revocation. Any such required professional
13 development must be at the expense of the license holder, who
14 may use, if available and applicable to the requirements
15 established by administrative or court order, training,
16 coursework, or other professional development funds in
17 accordance with the terms of an applicable collective
18 bargaining agreement entered into after June 13, 2011 (the
19 effective date of Public Act 97-8), unless that agreement
20 specifically precludes use of funds for such purpose.

21 (c) The State Superintendent of Education shall, upon
22 receipt of evidence of abuse or neglect of a child, immorality,
23 a condition of health detrimental to the welfare of pupils,
24 incompetency (subject to subsection (b) of this Section),
25 unprofessional conduct, the neglect of any professional duty,
26 or other just cause, further investigate and, if and as

1 appropriate, serve written notice to the individual and afford
2 the individual opportunity for a hearing prior to suspension,
3 revocation, or other sanction; provided that the State
4 Superintendent is under no obligation to initiate such an
5 investigation if the Department of Children and Family Services
6 is investigating the same or substantially similar allegations
7 and its child protective service unit has not made its
8 determination, as required under Section 7.12 of the Abused and
9 Neglected Child Reporting Act. If the State Superintendent of
10 Education does not receive from an individual a request for a
11 hearing within 10 days after the individual receives notice,
12 the suspension, revocation, or other sanction shall
13 immediately take effect in accordance with the notice. If a
14 hearing is requested within 10 days after notice of an
15 opportunity for hearing, it shall act as a stay of proceedings
16 until the State Educator Preparation and Licensure Board issues
17 a decision. Any hearing shall take place in the educational
18 service region where the educator is or was last employed and
19 in accordance with rules adopted by the State Board of
20 Education, in consultation with the State Educator Preparation
21 and Licensure Board, and such rules shall include without
22 limitation provisions for discovery and the sharing of
23 information between parties prior to the hearing. The standard
24 of proof for any administrative hearing held pursuant to this
25 Section shall be by the preponderance of the evidence. The
26 decision of the State Educator Preparation and Licensure Board

1 is a final administrative decision and is subject to judicial
2 review by appeal of either party.

3 The State Board of Education may refuse to issue or may
4 suspend the license of any person who fails to file a return or
5 to pay the tax, penalty, or interest shown in a filed return or
6 to pay any final assessment of tax, penalty, or interest, as
7 required by any tax Act administered by the Department of
8 Revenue, until such time as the requirements of any such tax
9 Act are satisfied.

10 The exclusive authority of the State Superintendent of
11 Education to initiate suspension or revocation of a license
12 pursuant to this Section does not preclude a regional
13 superintendent of schools from cooperating with the State
14 Superintendent or a State's Attorney with respect to an
15 investigation of alleged misconduct.

16 (d) The State Superintendent of Education or his or her
17 designee may initiate and conduct such investigations as may be
18 reasonably necessary to establish the existence of any alleged
19 misconduct. At any stage of the investigation, the State
20 Superintendent may issue a subpoena requiring the attendance
21 and testimony of a witness, including the license holder, and
22 the production of any evidence, including files, records,
23 correspondence, or documents, relating to any matter in
24 question in the investigation. The subpoena shall require a
25 witness to appear at the State Board of Education at a
26 specified date and time and shall specify any evidence to be

1 produced. The license holder is not entitled to be present, but
2 the State Superintendent shall provide the license holder with
3 a copy of any recorded testimony prior to a hearing under this
4 Section. Such recorded testimony must not be used as evidence
5 at a hearing, unless the license holder has adequate notice of
6 the testimony and the opportunity to cross-examine the witness.
7 Failure of a license holder to comply with a duly issued,
8 investigatory subpoena may be grounds for revocation,
9 suspension, or denial of a license.

10 (e) All correspondence, documentation, and other
11 information so received by the regional superintendent of
12 schools, the State Superintendent of Education, the State Board
13 of Education, or the State Educator Preparation and Licensure
14 Board under this Section is confidential and must not be
15 disclosed to third parties, except (i) as necessary for the
16 State Superintendent of Education or his or her designee to
17 investigate and prosecute pursuant to this Article, (ii)
18 pursuant to a court order, (iii) for disclosure to the license
19 holder or his or her representative, or (iv) as otherwise
20 required in this Article and provided that any such information
21 admitted into evidence in a hearing is exempt from this
22 confidentiality and non-disclosure requirement.

23 (f) The State Superintendent of Education or a person
24 designated by him or her shall have the power to administer
25 oaths to witnesses at any hearing conducted before the State
26 Educator Preparation and Licensure Board pursuant to this

1 Section. The State Superintendent of Education or a person
2 designated by him or her is authorized to subpoena and bring
3 before the State Educator Preparation and Licensure Board any
4 person in this State and to take testimony either orally or by
5 deposition or by exhibit, with the same fees and mileage and in
6 the same manner as prescribed by law in judicial proceedings in
7 civil cases in circuit courts of this State.

8 (g) Any circuit court, upon the application of the State
9 Superintendent of Education or the license holder, may, by
10 order duly entered, require the attendance of witnesses and the
11 production of relevant books and papers as part of any
12 investigation or at any hearing the State Educator Preparation
13 and Licensure Board is authorized to conduct pursuant to this
14 Section, and the court may compel obedience to its orders by
15 proceedings for contempt.

16 (h) The State Board of Education shall receive an annual
17 line item appropriation to cover fees associated with the
18 investigation and prosecution of alleged educator misconduct
19 and hearings related thereto.

20 (Source: P.A. 97-607, eff. 8-26-11; incorporates 97-8, eff.
21 6-13-11; 97-813, eff. 7-13-12.)

22 (105 ILCS 5/27A-6)

23 Sec. 27A-6. Contract contents; applicability of laws and
24 regulations.

25 (a) A certified charter shall constitute a binding contract

1 and agreement between the charter school and a local school
2 board under the terms of which the local school board
3 authorizes the governing body of the charter school to operate
4 the charter school on the terms specified in the contract.

5 (b) Notwithstanding any other provision of this Article,
6 the certified charter may not waive or release the charter
7 school from the State goals, standards, and assessments
8 established pursuant to Section 2-3.64a-5 of this Code ~~2-3.64~~.
9 Beginning with the 2003-2004 school year, the certified charter
10 for a charter school operating in a city having a population
11 exceeding 500,000 shall require the charter school to
12 administer any other nationally recognized standardized tests
13 to its students that the chartering entity administers to other
14 students, and the results on such tests shall be included in
15 the chartering entity's assessment reports.

16 (c) Subject to the provisions of subsection (e), a material
17 revision to a previously certified contract or a renewal shall
18 be made with the approval of both the local school board and
19 the governing body of the charter school.

20 (c-5) The proposed contract shall include a provision on
21 how both parties will address minor violations of the contract.

22 (d) The proposed contract between the governing body of a
23 proposed charter school and the local school board as described
24 in Section 27A-7 must be submitted to and certified by the
25 State Board before it can take effect. If the State Board
26 recommends that the proposed contract be modified for

1 consistency with this Article before it can be certified, the
2 modifications must be consented to by both the governing body
3 of the charter school and the local school board, and
4 resubmitted to the State Board for its certification. If the
5 proposed contract is resubmitted in a form that is not
6 consistent with this Article, the State Board may refuse to
7 certify the charter.

8 The State Board shall assign a number to each submission or
9 resubmission in chronological order of receipt, and shall
10 determine whether the proposed contract is consistent with the
11 provisions of this Article. If the proposed contract complies,
12 the State Board shall so certify.

13 (e) No material revision to a previously certified contract
14 or a renewal shall be effective unless and until the State
15 Board certifies that the revision or renewal is consistent with
16 the provisions of this Article.

17 (Source: P.A. 93-3, eff. 4-16-03.)

18 (105 ILCS 5/2-3.64 rep.)

19 Section 10. The School Code is amended by repealing Section
20 2-3.64.

21 Section 99. Effective date. This Act takes effect July 1,
22 2014.

1 INDEX

2 Statutes amended in order of appearance

3 105 ILCS 5/2-3.51.5

4 105 ILCS 5/2-3.64a

5 105 ILCS 5/2-3.64a-5 new

6 105 ILCS 5/10-29

7 105 ILCS 5/13B-25.25

8 105 ILCS 5/18-8.05

9 105 ILCS 5/21B-75

10 105 ILCS 5/27A-6

11 105 ILCS 5/2-3.64 rep.