



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5654

by Rep. David R. Leitch

SYNOPSIS AS INTRODUCED:

105 ILCS 5/1A-4	from Ch. 122, par. 1A-4
105 ILCS 5/2-3.6	from Ch. 122, par. 2-3.6
105 ILCS 5/2-3.64a-5	
105 ILCS 5/21B-5	

Amends the School Code. Provides that the State Board of Education shall not adopt any rule or policy that makes changes to any State assessment, academic standards, or educator licensure without the prior consent and approval of the General Assembly. Provides that the State Superintendent of Education shall not ask the State Board for the adoption of any rule or policy that makes changes to assessments, academic standards, or educator licensure without the prior consent and approval of the General Assembly.

LRB099 19705 MLM 44102 b

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 1A-4, 2-3.6, 2-3.64a-5, and 21B-5 as follows:

6 (105 ILCS 5/1A-4) (from Ch. 122, par. 1A-4)

7 Sec. 1A-4. Powers and duties of the Board.

8 A. (Blank).

9 B. The Board shall determine the qualifications of and
10 appoint a chief education officer, to be known as the State
11 Superintendent of Education, who may be proposed by the
12 Governor and who shall serve at the pleasure of the Board and
13 pursuant to a performance-based contract linked to statewide
14 student performance and academic improvement within Illinois
15 schools. Upon expiration or buyout of the contract of the State
16 Superintendent of Education in office on the effective date of
17 this amendatory Act of the 93rd General Assembly, a State
18 Superintendent of Education shall be appointed by a State Board
19 of Education that includes the 7 new Board members who were
20 appointed to fill seats of members whose terms were terminated
21 on the effective date of this amendatory Act of the 93rd
22 General Assembly. Thereafter, a State Superintendent of
23 Education must, at a minimum, be appointed at the beginning of

1 each term of a Governor after that Governor has made
2 appointments to the Board. A performance-based contract issued
3 for the employment of a State Superintendent of Education
4 entered into on or after the effective date of this amendatory
5 Act of the 93rd General Assembly must expire no later than
6 February 1, 2007, and subsequent contracts must expire no later
7 than February 1 each 4 years thereafter. No contract shall be
8 extended or renewed beyond February 1, 2007 and February 1 each
9 4 years thereafter, but a State Superintendent of Education
10 shall serve until his or her successor is appointed. Each
11 contract entered into on or before January 8, 2007 with a State
12 Superintendent of Education must provide that the State Board
13 of Education may terminate the contract for cause, and the
14 State Board of Education shall not thereafter be liable for
15 further payments under the contract. With regard to this
16 amendatory Act of the 93rd General Assembly, it is the intent
17 of the General Assembly that, beginning with the Governor who
18 takes office on the second Monday of January, 2007, a State
19 Superintendent of Education be appointed at the beginning of
20 each term of a Governor after that Governor has made
21 appointments to the Board. The State Superintendent of
22 Education shall not serve as a member of the State Board of
23 Education. The Board shall set the compensation of the State
24 Superintendent of Education who shall serve as the Board's
25 chief executive officer. The Board shall also establish the
26 duties, powers and responsibilities of the State

1 Superintendent, which shall be included in the State
2 Superintendent's performance-based contract along with the
3 goals and indicators of student performance and academic
4 improvement used to measure the performance and effectiveness
5 of the State Superintendent. The State Board of Education may
6 delegate to the State Superintendent of Education the authority
7 to act on the Board's behalf, provided such delegation is made
8 pursuant to adopted board policy or the powers delegated are
9 ministerial in nature. The State Board may not delegate
10 authority under this Section to the State Superintendent to (1)
11 nonrecognize school districts, (2) withhold State payments as a
12 penalty, or (3) make final decisions under the contested case
13 provisions of the Illinois Administrative Procedure Act unless
14 otherwise provided by law. The State Superintendent shall not
15 ask the Board for the adoption of any rule or policy that makes
16 changes to assessments, academic standards, or educator
17 licensure without the prior consent and approval of the General
18 Assembly.

19 C. The powers and duties of the State Board of Education
20 shall encompass all duties delegated to the Office of
21 Superintendent of Public Instruction on January 12, 1975,
22 except as the law providing for such powers and duties is
23 thereafter amended, and such other powers and duties as the
24 General Assembly shall designate. The Board shall be
25 responsible for the educational policies and guidelines for
26 public schools, pre-school through grade 12 and Vocational

1 Education in the State of Illinois. The Board shall analyze the
2 present and future aims, needs, and requirements of education
3 in the State of Illinois and recommend to the General Assembly
4 the powers which should be exercised by the Board. The Board
5 shall recommend the passage and the legislation necessary to
6 determine the appropriate relationship between the Board and
7 local boards of education and the various State agencies and
8 shall recommend desirable modifications in the laws which
9 affect schools.

10 D. Two members of the Board shall be appointed by the
11 chairperson to serve on a standing joint Education Committee, 2
12 others shall be appointed from the Board of Higher Education, 2
13 others shall be appointed by the chairperson of the Illinois
14 Community College Board, and 2 others shall be appointed by the
15 chairperson of the Human Resource Investment Council. The
16 Committee shall be responsible for making recommendations
17 concerning the submission of any workforce development plan or
18 workforce training program required by federal law or under any
19 block grant authority. The Committee will be responsible for
20 developing policy on matters of mutual concern to elementary,
21 secondary and higher education such as Occupational and Career
22 Education, Teacher Preparation and Certification, Educational
23 Finance, Articulation between Elementary, Secondary and Higher
24 Education and Research and Planning. The joint Education
25 Committee shall meet at least quarterly and submit an annual
26 report of its findings, conclusions, and recommendations to the

1 State Board of Education, the Board of Higher Education, the
2 Illinois Community College Board, the Human Resource
3 Investment Council, the Governor, and the General Assembly. All
4 meetings of this Committee shall be official meetings for
5 reimbursement under this Act. On the effective date of this
6 amendatory Act of the 95th General Assembly, the Joint
7 Education Committee is abolished.

8 E. Five members of the Board shall constitute a quorum. A
9 majority vote of the members appointed, confirmed and serving
10 on the Board is required to approve any action, except that the
11 7 new Board members who were appointed to fill seats of members
12 whose terms were terminated on the effective date of this
13 amendatory act of the 93rd General Assembly may vote to approve
14 actions when appointed and serving.

15 Using the most recently available data, the Board shall
16 prepare and submit to the General Assembly and the Governor on
17 or before January 14, 1976 and annually thereafter a report or
18 reports of its findings and recommendations. Such annual report
19 shall contain a separate section which provides a critique and
20 analysis of the status of education in Illinois and which
21 identifies its specific problems and recommends express
22 solutions therefor. Such annual report also shall contain the
23 following information for the preceding year ending on June 30:
24 each act or omission of a school district of which the State
25 Board of Education has knowledge as a consequence of scheduled,
26 approved visits and which constituted a failure by the district

1 to comply with applicable State or federal laws or regulations
2 relating to public education, the name of such district, the
3 date or dates on which the State Board of Education notified
4 the school district of such act or omission, and what action,
5 if any, the school district took with respect thereto after
6 being notified thereof by the State Board of Education. The
7 report shall also include the statewide high school dropout
8 rate by grade level, sex and race and the annual student
9 dropout rate of and the number of students who graduate from,
10 transfer from or otherwise leave bilingual programs. The
11 Auditor General shall annually perform a compliance audit of
12 the State Board of Education's performance of the reporting
13 duty imposed by this amendatory Act of 1986. A regular system
14 of communication with other directly related State agencies
15 shall be implemented.

16 The requirement for reporting to the General Assembly shall
17 be satisfied by filing copies of the report with the Speaker,
18 the Minority Leader and the Clerk of the House of
19 Representatives and the President, the Minority Leader and the
20 Secretary of the Senate and the Legislative Council, as
21 required by Section 3.1 of the General Assembly Organization
22 Act, and filing such additional copies with the State
23 Government Report Distribution Center for the General Assembly
24 as is required under paragraph (t) of Section 7 of the State
25 Library Act.

26 F. Upon appointment of the 7 new Board members who were

1 appointed to fill seats of members whose terms were terminated
2 on the effective date of this amendatory Act of the 93rd
3 General Assembly, the Board shall review all of its current
4 rules in an effort to streamline procedures, improve
5 efficiency, and eliminate unnecessary forms and paperwork.

6 (Source: P.A. 95-626, eff. 6-1-08; 95-793, eff. 1-1-09.)

7 (105 ILCS 5/2-3.6) (from Ch. 122, par. 2-3.6)

8 Sec. 2-3.6. Rules and policies. To make rules, in
9 accordance with the Illinois Administrative Procedure Act,
10 that are necessary to carry into efficient and uniform effect
11 all laws for establishing and maintaining free schools in the
12 State. The State Board of Education may not adopt any rule or
13 policy that alters the intent of the authorizing law or that
14 supersedes federal or State law. The State Board shall not
15 adopt any rule or policy that makes changes to any assessments
16 or academic standards under Section 2-3.64a-5 of this Code
17 without the prior consent and approval of the General Assembly.
18 The State Board shall not adopt any rule or policy that makes
19 changes to educator licensure, including educator endorsement
20 changes, without the prior consent and approval of the General
21 Assembly. The Board may not make policies affecting school
22 districts that have the effect of rules without following the
23 procedures of the Illinois Administrative Procedure Act.

24 (Source: P.A. 93-1036, eff. 9-14-04.)

1 (105 ILCS 5/2-3.64a-5)

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

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

12 (b) Until the effective date of this amendatory Act of the
13 99th General Assembly, the ~~The~~ State Board of Education shall
14 establish the academic standards that are to be applicable to
15 students who are subject to State assessments under this
16 Section without the consent or approval of the General
17 Assembly. The State Board of Education shall not establish any
18 such standards in final form without first providing
19 opportunities for public participation and local input in the
20 development of the final academic standards. Those
21 opportunities shall include a well-publicized period of public
22 comment and opportunities to file written comments. On and
23 after the effective date of this amendatory Act of the 99th
24 General Assembly, the State Board shall not establish new
25 academic standards or make changes to the current academic
26 standards under this Section without the prior consent and

1 approval of the General Assembly.

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

6 Beginning no later than the 2017-2018 school year, the
7 State Board of Education shall annually assess all students in
8 science at one grade in grades 3 through 5, at one grade in
9 grades 6 through 8, and at one grade in grades 9 through 12.

10 The State Board of Education shall annually assess schools
11 that operate a secondary education program, as defined in
12 Section 22-22 of this Code, in English language arts and
13 mathematics. The State Board of Education shall administer no
14 more than 3 assessments, per student, of English language arts
15 and mathematics for students in a secondary education program.
16 One of these assessments shall include a college and career
17 ready determination that shall be accepted by this State's
18 public institutions of higher education, as defined in the
19 Board of Higher Education Act, for the purpose of student
20 application or admissions consideration.

21 Students who are not assessed for college and career ready
22 determinations may not receive a regular high school diploma
23 unless the student is exempted from taking State assessments
24 under subsection (d) of this Section because (i) the student's
25 individualized educational program developed under Article 14
26 of this Code identifies the State assessment as inappropriate

1 for the student, (ii) the student is enrolled in a program of
2 adult and continuing education, as defined in the Adult
3 Education Act, (iii) the school district is not required to
4 assess the individual student for purposes of accountability
5 under federal No Child Left Behind Act of 2001 requirements,
6 (iv) the student has been determined to be an English learner
7 and has been enrolled in schools in the United States for less
8 than 12 months, or (v) the student is otherwise identified by
9 the State Board of Education, through rules, as being exempt
10 from the assessment.

11 The State Board of Education shall not assess students
12 under this Section in subjects not required by this Section.

13 Districts shall inform their students of the timelines and
14 procedures applicable to their participation in every yearly
15 administration of the State assessments. The State Board of
16 Education shall establish periods of time in each school year
17 during which State assessments shall occur to meet the
18 objectives of this Section.

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

1 Students receiving special education services whose
2 individualized educational programs identify them as eligible
3 for the alternative State assessments nevertheless shall have
4 the option of taking this State's regular assessment that
5 includes a college and career ready determination, which shall
6 be administered in accordance with the eligible accommodations
7 appropriate for meeting these students' respective needs.

8 All students determined to be English learners shall
9 participate in the State assessments, excepting those students
10 who have been enrolled in schools in the United States for less
11 than 12 months. Such students may be exempted from
12 participation in one annual administration of the English
13 language arts assessment. Any student determined to be an
14 English learner shall receive appropriate assessment
15 accommodations, including language supports, which shall be
16 established by rule. Approved assessment accommodations must
17 be provided until the student's English language skills develop
18 to the extent that the student is no longer considered to be an
19 English learner, as demonstrated through a State-identified
20 English language proficiency assessment.

21 (e) The results or scores of each assessment taken under
22 this Section shall be made available to the parents of each
23 student.

24 In each school year, the scores attained by a student on
25 the State assessment that includes a college and career ready
26 determination must be placed in the student's permanent record

1 and must be entered on the student's transcript pursuant to
2 rules that the State Board of Education shall adopt for that
3 purpose in accordance with Section 3 of the Illinois School
4 Student Records Act. In each school year, the scores attained
5 by a student on the State assessments administered in grades 3
6 through 8 must be placed in the student's temporary record.

7 (f) All schools shall administer an academic assessment of
8 English language proficiency in oral language (listening and
9 speaking) and reading and writing skills to all children
10 determined to be English learners.

11 (g) All schools in this State that are part of the sample
12 drawn by the National Center for Education Statistics, in
13 collaboration with their school districts and the State Board
14 of Education, shall administer the biennial academic
15 assessments under the National Assessment of Educational
16 Progress carried out under Section 411(b)(2) of the federal
17 National Education Statistics Act of 1994 (20 U.S.C. 9010) if
18 the U.S. Secretary of Education pays the costs of administering
19 the assessments.

20 (h) Subject to available funds to this State for the
21 purpose of student assessment, the State Board of Education
22 shall provide additional assessments and assessment resources
23 that may be used by school districts for local assessment
24 purposes. The State Board of Education shall annually
25 distribute a listing of these additional resources.

26 (i) For the purposes of this subsection (i), "academically

1 based assessments" means assessments consisting of questions
2 and answers that are measurable and quantifiable to measure the
3 knowledge, skills, and ability of students in the subject
4 matters covered by the assessments. All assessments
5 administered pursuant to this Section must be academically
6 based assessments. The scoring of academically based
7 assessments shall be reliable, valid, and fair and shall meet
8 the guidelines for assessment development and use prescribed by
9 the American Psychological Association, the National Council
10 on Measurement in Education, and the American Educational
11 Research Association.

12 The State Board of Education shall review the use of all
13 assessment item types in order to ensure that they are valid
14 and reliable indicators of student performance aligned to the
15 learning standards being assessed and that the development,
16 administration, and scoring of these item types are justifiable
17 in terms of cost.

18 (j) The State Superintendent of Education shall appoint a
19 committee of no more than 21 members, consisting of parents,
20 teachers, school administrators, school board members,
21 assessment experts, regional superintendents of schools, and
22 citizens, to review the State assessments administered by the
23 State Board of Education. The Committee shall select one of its
24 members as its chairperson. The Committee shall meet on an
25 ongoing basis to review the content and design of the
26 assessments (including whether the requirements of subsection

1 (i) of this Section have been met), the time and money expended
2 at the local and State levels to prepare for and administer the
3 assessments, the collective results of the assessments as
4 measured against the stated purpose of assessing student
5 performance, and other issues involving the assessments
6 identified by the Committee. The Committee shall make periodic
7 recommendations to the State Superintendent of Education and
8 the General Assembly concerning the assessments.

9 (k) The State Board of Education may adopt rules to
10 implement this Section.

11 (Source: P.A. 98-972, eff. 8-15-14; 99-30, eff. 7-10-15;
12 99-185, eff. 1-1-16; revised 10-16-15.)

13 (105 ILCS 5/21B-5)

14 Sec. 21B-5. Licensure powers of the State Board of
15 Education.

16 (a) Recognizing that the education of our citizens is the
17 single most important influence on the prosperity and success
18 of this State and recognizing that new developments in
19 education require a flexible approach to our educational
20 system, the State Board of Education, in consultation with the
21 State Educator Preparation and Licensure Board, shall have the
22 power and authority to do all of the following:

23 (1) Set standards for teaching, supervising, or
24 otherwise holding licensed employment in the public
25 schools of this State and administer the licensure process

1 as provided in this Article.

2 (2) Approve, evaluate, and sanction educator
3 preparation programs.

4 (3) Enter into agreements with other states relative to
5 reciprocal approval of educator preparation programs.

6 (4) Establish standards for the issuance of new types
7 of educator licenses.

8 (5) Establish a code of ethics for all educators.

9 (6) Maintain a system of licensure examination aligned
10 with standards determined by the State Board of Education.

11 (7) Take such other action relating to the improvement
12 of instruction in the public schools as is appropriate and
13 consistent with applicable laws.

14 (b) Only the State Superintendent of Education, acting in
15 accordance with the applicable provisions of this Article and
16 rules, shall have the authority to issue or endorse any license
17 required for teaching, supervising, or otherwise holding
18 licensed employment in the public schools; and no other State
19 agency shall have any power or authority (i) to establish or
20 prescribe any qualifications or other requirements applicable
21 to the issuance or endorsement of any such license or (ii) to
22 establish or prescribe any licensure or equivalent requirement
23 that must be satisfied in order to teach, supervise, or hold
24 licensed employment in the public schools.

25 (c) Neither the State Board nor the State Superintendent of
26 Education shall adopt any rule or policy under this Article or

1 alter Part 25 of Title 23 of the Illinois Administrative Code
2 without the prior consent and approval of the General Assembly.
3 (Source: P.A. 97-607, eff. 8-26-11.)