



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB5537

by Rep. Barbara Flynn Currie

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the School Code. Makes changes concerning State Board of Education actions for schools or school districts that remain on academic watch status. Removes current provisions governing the removal of school board members and the appointment of an Independent Authority. Provides for assistance to lower performing districts. Provides that the State Board has the power to direct the State Superintendent of Education to remove a school board in a district having a population of not more than 500,000. Provides that the State Board may require identified priority districts to seek accreditation through an independent accreditation organization chosen by the State Board and paid for by the State. Allows the State Board to direct the State Superintendent to remove school board members in any district in which the district is unable to obtain accreditation in whole or in part due to reasons related to school board governance. Provides that upon removal of the school board, the State Superintendent shall establish an Independent Authority. Provides that, upon establishment of an Independent Authority to operate the district, the State Superintendent shall appoint members to serve on the Independent Authority. Provides that the Independent Authority shall have all of the powers and duties of a school board and all other powers necessary to meet its responsibilities and to carry out its purposes and that may be requisite or proper for the maintenance, operation, and development of any school or schools under the jurisdiction of the Independent Authority. Sets forth provisions concerning emergency financial assistance, the suspension of school board elections, reports, assistance, the abolition of an Independent Authority, and indemnification and protection from suit. Effective immediately.

LRB098 19361 NHT 54514 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Sections  
5 2-3.25d, 2-3.25f, 2-3.25g, 2-3.25h, and 10-10 and by adding  
6 Sections 2-3.25e-5 and 2-3.25f-5 as follows:

7 (105 ILCS 5/2-3.25d) (from Ch. 122, par. 2-3.25d)

8 Sec. 2-3.25d. Academic early warning and watch status.

9 (a) Beginning with the 2005-2006 school year, unless the  
10 federal government formally disapproves of such policy through  
11 the submission and review process for the Illinois  
12 Accountability Workbook, those schools that do not meet  
13 adequate yearly progress criteria for 2 consecutive annual  
14 calculations in the same subject or in their participation  
15 rate, attendance rate, or graduation rate shall be placed on  
16 academic early warning status for the next school year. Schools  
17 on academic early warning status that do not meet adequate  
18 yearly progress criteria for a third annual calculation in the  
19 same subject or in their participation rate, attendance rate,  
20 or graduation rate shall remain on academic early warning  
21 status. Schools on academic early warning status that do not  
22 meet adequate yearly progress criteria for a fourth annual  
23 calculation in the same subject or in their participation rate,

1 attendance rate, or graduation rate shall be placed on initial  
2 academic watch status. Schools on academic watch status that do  
3 not meet adequate yearly progress criteria for a fifth or  
4 subsequent annual calculation in the same subject or in their  
5 participation rate, attendance rate, or graduation rate shall  
6 remain on academic watch status. Schools on academic early  
7 warning or academic watch status that meet adequate yearly  
8 progress criteria for 2 consecutive calculations shall be  
9 considered as having met expectations and shall be removed from  
10 any status designation.

11 The school district of a school placed on either academic  
12 early warning status or academic watch status may appeal the  
13 status to the State Board of Education in accordance with  
14 Section 2-3.25m of this Code.

15 A school district that has one or more schools on academic  
16 early warning or academic watch status shall prepare a revised  
17 School Improvement Plan or amendments thereto setting forth the  
18 district's expectations for removing each school from academic  
19 early warning or academic watch status and for improving  
20 student performance in the affected school or schools.  
21 Districts operating under Article 34 of this Code may prepare  
22 the School Improvement Plan required under Section 34-2.4 of  
23 this Code.

24 The revised School Improvement Plan for a school that is  
25 initially placed on academic early warning status or that  
26 remains on academic early warning status after a third annual

1 calculation must be approved by the school board (and by the  
2 school's local school council in a district operating under  
3 Article 34 of this Code, unless the school is on probation  
4 pursuant to subsection (c) of Section 34-8.3 of this Code).

5 The revised School Improvement Plan for a school that is  
6 initially placed on academic watch status after a fourth annual  
7 calculation must be approved by the school board (and by the  
8 school's local school council in a district operating under  
9 Article 34 of this Code, unless the school is on probation  
10 pursuant to subsection (c) of Section 34-8.3 of this Code).

11 The revised School Improvement Plan for a school that  
12 remains on academic watch status after a fifth annual  
13 calculation must be approved by the school board (and by the  
14 school's local school council in a district operating under  
15 Article 34 of this Code, unless the school is on probation  
16 pursuant to subsection (c) of Section 34-8.3 of this Code). In  
17 addition, the district must develop a school restructuring plan  
18 for the school that must be approved by the school board (and  
19 by the school's local school council in a district operating  
20 under Article 34 of this Code).

21 A school on academic watch status that does not meet  
22 adequate yearly progress criteria for a sixth annual  
23 calculation shall implement its approved school restructuring  
24 plan beginning with the next school year, subject to the State  
25 interventions specified in Sections ~~Section~~ 2-3.25f and  
26 2-3.25f-5 of this Code.

1 (b) Beginning with the 2005-2006 school year, unless the  
2 federal government formally disapproves of such policy through  
3 the submission and review process for the Illinois  
4 Accountability Workbook, those school districts that do not  
5 meet adequate yearly progress criteria for 2 consecutive annual  
6 calculations in the same subject or in their participation  
7 rate, attendance rate, or graduation rate shall be placed on  
8 academic early warning status for the next school year.  
9 Districts on academic early warning status that do not meet  
10 adequate yearly progress criteria for a third annual  
11 calculation in the same subject or in their participation rate,  
12 attendance rate, or graduation rate shall remain on academic  
13 early warning status. Districts on academic early warning  
14 status that do not meet adequate yearly progress criteria for a  
15 fourth annual calculation in the same subject or in their  
16 participation rate, attendance rate, or graduation rate shall  
17 be placed on initial academic watch status. Districts on  
18 academic watch status that do not meet adequate yearly progress  
19 criteria for a fifth or subsequent annual calculation in the  
20 same subject or in their participation rate, attendance rate,  
21 or graduation rate shall remain on academic watch status.  
22 Districts on academic early warning or academic watch status  
23 that meet adequate yearly progress criteria for one annual  
24 calculation shall be considered as having met expectations and  
25 shall be removed from any status designation.

26 A district placed on either academic early warning status

1 or academic watch status may appeal the status to the State  
2 Board of Education in accordance with Section 2-3.25m of this  
3 Code.

4 Districts on academic early warning or academic watch  
5 status shall prepare a District Improvement Plan or amendments  
6 thereto setting forth the district's expectations for removing  
7 the district from academic early warning or academic watch  
8 status and for improving student performance in the district.

9 All District Improvement Plans must be approved by the  
10 school board.

11 (c) All revised School and District Improvement Plans shall  
12 be developed in collaboration with parents, staff in the  
13 affected school or school district, and outside experts. All  
14 revised School and District Improvement Plans shall be  
15 developed, submitted, and monitored pursuant to rules adopted  
16 by the State Board of Education. The revised Improvement Plan  
17 shall address measurable outcomes for improving student  
18 performance so that such performance meets adequate yearly  
19 progress criteria as specified by the State Board of Education.  
20 All school districts required to revise a School Improvement  
21 Plan in accordance with this Section shall establish a peer  
22 review process for the evaluation of School Improvement Plans.

23 (d) All federal requirements apply to schools and school  
24 districts utilizing federal funds under Title I, Part A of the  
25 federal Elementary and Secondary Education Act of 1965.

26 (e) The State Board of Education, from any moneys it may

1 have available for this purpose, must implement and administer  
2 a grant program that provides 2-year grants to school districts  
3 on the academic watch list and other school districts that have  
4 the lowest achieving students, as determined by the State Board  
5 of Education, to be used to improve student achievement. In  
6 order to receive a grant under this program, a school district  
7 must establish an accountability program. The accountability  
8 program must involve the use of statewide testing standards and  
9 local evaluation measures. A grant shall be automatically  
10 renewed when achievement goals are met. The Board may adopt any  
11 rules necessary to implement and administer this grant program.  
12 (Source: P.A. 96-734, eff. 8-25-09.)

13 (105 ILCS 5/2-3.25e-5 new)

14 Sec. 2-3.25e-5. Two years on academic watch status;  
15 full-year school plan.

16 (a) In this Section, "school" means any of the following  
17 named public schools or their successor name:

18 (1) Dirksen Middle School in Dolton School District  
19 149.

20 (2) Diekman Elementary School in Dolton School  
21 District 149.

22 (3) Caroline Sibley Elementary School in Dolton School  
23 District 149.

24 (4) Berger-Vandenberg Elementary School in Dolton  
25 School District 149.

1           (5) Carol Moseley Braun School in Dolton School  
2           District 149.

3           (6) New Beginnings Learning Academy in Dolton School  
4           District 149.

5           (7) McKinley Junior High School in South Holland School  
6           District 150.

7           (8) Greenwood Elementary School in South Holland  
8           School District 150.

9           (9) McKinley Elementary School in South Holland School  
10          District 150.

11          (10) Eisenhower School in South Holland School  
12          District 151.

13          (11) Madison School in South Holland School District  
14          151.

15          (12) Taft School in South Holland School District 151.

16          (13) Wolcott School in Thornton School District 154.

17          (14) Memorial Junior High School in Lansing School  
18          District 158.

19          (15) Oak Glen Elementary School in Lansing School  
20          District 158.

21          (16) Lester Crawl Primary Center in Lansing School  
22          District 158.

23          (17) Brookwood Junior High School in Brookwood School  
24          District 167.

25          (18) Brookwood Middle School in Brookwood School  
26          District 167.



1           (19) Hickory Bend Elementary School in Brookwood  
2           School District 167.

3           (20) Medgar Evers Primary Academic Center in Ford  
4           Heights School District 169.

5           (21) Nathan Hale Elementary School in Sunnybrook  
6           School District 171.

7           (22) Ira F. Aldridge Elementary School in City of  
8           Chicago School District 299.

9           (23) William E.B. DuBois Elementary School in City of  
10          Chicago School District 299.

11          (b) If, after 2 years following its placement on academic  
12          watch status, a school remains on academic watch status, then,  
13          subject to federal appropriation money being available, the  
14          State Board of Education shall allow the school board to opt  
15          into the process of operating that school on a pilot, full-year  
16          school plan, approved by the State Board of Education, upon  
17          expiration of its teachers' current collective bargaining  
18          agreement until the expiration of the next collective  
19          bargaining agreement. A school board must notify the State  
20          Board of Education of its intent to opt into the process of  
21          operating a school on a pilot, full-year school plan.

22           (105 ILCS 5/2-3.25f) (from Ch. 122, par. 2-3.25f)  
23           Sec. 2-3.25f. State interventions.

24           (a) The State Board of Education shall provide technical  
25           assistance to assist with the development and implementation of

1 School and District Improvement Plans.

2 Schools or school districts that fail to make reasonable  
3 efforts to implement an approved Improvement Plan may suffer  
4 loss of State funds by school district, attendance center, or  
5 program as the State Board of Education deems appropriate.

6 (a-5) (Blank). ~~In this subsection (a 5), "school" means any~~  
7 ~~of the following named public schools or their successor name:~~

8 ~~(1) Dirksen Middle School in Dolton School District~~  
9 ~~149.~~

10 ~~(2) Dickman Elementary School in Dolton School~~  
11 ~~District 149.~~

12 ~~(3) Caroline Sibley Elementary School in Dolton School~~  
13 ~~District 149.~~

14 ~~(4) Berger Vandenberg Elementary School in Dolton~~  
15 ~~School District 149.~~

16 ~~(5) Carol Moseley Braun School in Dolton School~~  
17 ~~District 149.~~

18 ~~(6) New Beginnings Learning Academy in Dolton School~~  
19 ~~District 149.~~

20 ~~(7) McKinley Junior High School in South Holland School~~  
21 ~~District 150.~~

22 ~~(8) Greenwood Elementary School in South Holland~~  
23 ~~School District 150.~~

24 ~~(9) McKinley Elementary School in South Holland School~~  
25 ~~District 150.~~

26 ~~(10) Eisenhower School in South Holland School~~

1 ~~District 151.~~

2 ~~(11) Madison School in South Holland School District~~  
3 ~~151.~~

4 ~~(12) Taft School in South Holland School District 151.~~

5 ~~(13) Wolcott School in Thornton School District 154.~~

6 ~~(14) Memorial Junior High School in Lansing School~~  
7 ~~District 158.~~

8 ~~(15) Oak Glen Elementary School in Lansing School~~  
9 ~~District 158.~~

10 ~~(16) Lester Crawl Primary Center in Lansing School~~  
11 ~~District 158.~~

12 ~~(17) Brookwood Junior High School in Brookwood School~~  
13 ~~District 167.~~

14 ~~(18) Brookwood Middle School in Brookwood School~~  
15 ~~District 167.~~

16 ~~(19) Hickory Bend Elementary School in Brookwood~~  
17 ~~School District 167.~~

18 ~~(20) Medgar Evers Primary Academic Center in Ford~~  
19 ~~Heights School District 169.~~

20 ~~(21) Nathan Hale Elementary School in Sunnybrook~~  
21 ~~School District 171.~~

22 ~~(22) Ira F. Aldridge Elementary School in City of~~  
23 ~~Chicago School District 299.~~

24 ~~(23) William E.B. DuBois Elementary School in City of~~  
25 ~~Chicago School District 299.~~

26 ~~If, after 2 years following its placement on academic watch~~

1 ~~status, a school remains on academic watch status, then,~~  
2 ~~subject to federal appropriation money being available, the~~  
3 ~~State Board of Education shall allow the school board to opt in~~  
4 ~~the process of operating that school on a pilot full-year~~  
5 ~~school plan approved by the State Board of Education upon~~  
6 ~~expiration of its teachers' current collective bargaining~~  
7 ~~agreement until the expiration of the next collective~~  
8 ~~bargaining agreement. A school board must notify the State~~  
9 ~~Board of Education of its intent to opt in the process of~~  
10 ~~operating a school on a pilot full year school plan.~~

11 (b) ~~If~~ In addition, if after 3 years following its  
12 placement on academic watch status a school district or school  
13 remains on academic watch status, the State Board of Education  
14 ~~shall take one of the following actions for the district or~~  
15 ~~school: (1) The State Board of Education may authorize the~~  
16 ~~State Superintendent of Education to direct the regional~~  
17 ~~superintendent of schools to remove school board members~~  
18 ~~pursuant to Section 3 14.28 of this Code. Prior to such~~  
19 ~~direction the State Board of Education shall permit members of~~  
20 ~~the local board of education to present written and oral~~  
21 ~~comments to the State Board of Education. The State Board of~~  
22 ~~Education may direct the State Superintendent of Education to~~  
23 ~~appoint an Independent Authority that shall exercise such~~  
24 ~~powers and duties as may be necessary to operate a school or~~  
25 ~~school district for purposes of improving pupil performance and~~  
26 ~~school improvement. The State Superintendent of Education~~

1 ~~shall designate one member of the Independent Authority to~~  
2 ~~serve as chairman. The Independent Authority shall serve for a~~  
3 ~~period of time specified by the State Board of Education upon~~  
4 ~~the recommendation of the State Superintendent of Education.~~

5 ~~(2) The State Board of Education may~~ (i) ~~(A)~~ change the  
6 recognition status of the school district or school to  
7 nonrecognized, or (ii) ~~(B)~~ authorize the State Superintendent  
8 of Education to direct the reassignment of pupils or direct the  
9 reassignment or replacement of school district personnel who  
10 are relevant to the failure to meet adequate yearly progress  
11 criteria. If a school district is nonrecognized in its  
12 entirety, it shall automatically be dissolved on July 1  
13 following that nonrecognition and its territory realigned with  
14 another school district or districts by the regional board of  
15 school trustees in accordance with the procedures set forth in  
16 Section 7-11 of the School Code. The effective date of the  
17 nonrecognition of a school shall be July 1 following the  
18 nonrecognition.

19 (b-5) The State Board of Education shall also develop a  
20 system to provide assistance and resources to lower performing  
21 school districts. At a minimum, the State Board shall identify  
22 school districts to receive priority services, to be known as  
23 priority districts. In addition, the State Board may, by rule,  
24 develop other categories of low-performing schools and school  
25 districts to receive services.

26 Districts designated as priority districts shall be those

1 that fall within one of the following categories:

2 (1) Have at least one school that is among the lowest  
3 performing 5% of schools in this State based on a 3-year  
4 average, with respect to the performance of the "all  
5 students" group for the percentage of students meeting or  
6 exceeding standards in reading and mathematics combined,  
7 and demonstrate a lack of progress as defined by the State  
8 Board of Education.

9 (2) Have at least one secondary school that has an  
10 average graduation rate of less than 60% over the last 3  
11 school years.

12 (3) Have at least one school receiving a school  
13 improvement grant under Section 1003(g) of the federal  
14 Elementary and Secondary Education Act of 1965.

15 The State Board of Education shall work with a priority  
16 district to perform a district needs assessment to determine  
17 the district's core functions that are areas of strength and  
18 weakness, unless the district is already undergoing a national  
19 accreditation process. The results from the district needs  
20 assessment shall be used by the district to identify goals and  
21 objectives for the district's improvement. The district needs  
22 assessment shall include a study of district functions, such as  
23 district finance, governance, student engagement, instruction  
24 practices, climate, community involvement, and continuous  
25 improvement.

26 Based on the results of the district needs assessment, the

1 State Board of Education shall work with the district to  
2 provide technical assistance and professional development, in  
3 partnership with the district, to implement a continuous  
4 improvement plan that would increase outcomes for students. The  
5 plan for continuous improvement shall be based on the results  
6 of the district needs assessment and shall be used to determine  
7 the types of services that are to be provided to each priority  
8 district. Potential services for a district may include  
9 monitoring adult and student practices, reviewing and  
10 reallocating district resources, developing a district  
11 leadership team, providing access to curricular content area  
12 specialists, and providing online resources and professional  
13 development.

14 The State Board of Education may require priority districts  
15 identified as having deficiencies in one or more core functions  
16 of the district needs assessment to undergo an accreditation  
17 process as provided in subsection (d) of Section 2-3.25f-5 of  
18 this Code.

19 (c) All federal requirements apply to schools and school  
20 districts utilizing federal funds under Title I, Part A of the  
21 federal Elementary and Secondary Education Act of 1965.

22 (Source: P.A. 97-370, eff. 1-1-12.)

23 (105 ILCS 5/2-3.25f-5 new)

24 Sec. 2-3.25f-5. Independent Authority.

25 (a) The General Assembly finds all of the following:

1           (1) A fundamental goal of the people of this State, as  
2           expressed in Section 1 of Article X of the Illinois  
3           Constitution, is the educational development of all  
4           persons to the limits of their capacities. When a school  
5           board faces governance difficulties, continued operation  
6           of the public school system is threatened.

7           (2) Sound school board governance, academic  
8           achievement, and sound financial structure are essential  
9           to the continued operation of any school system. It is  
10           vital to commercial, educational, and cultural interests  
11           that public schools remain in operation. To achieve that  
12           goal, public school systems must have effective  
13           leadership.

14           (3) To promote the sound operation of districts, as  
15           defined in this Section, it may be necessary to provide for  
16           the creation of independent authorities with the powers  
17           necessary to promote sound governance, sound academic  
18           planning, and sound financial management and to ensure the  
19           continued operation of the public schools.

20           (4) It is the purpose of this Section to provide for a  
21           sound basis for the continued operation of public schools.  
22           The intention of the General Assembly, in creating this  
23           Section, is to establish procedures, provide powers, and  
24           impose restrictions to ensure the educational integrity of  
25           public school districts.

26           (b) As used in this Section:



1 "Board" means a school board of a district.

2 "Chairperson" means the Chairperson of the Independent  
3 Authority.

4 "District" means any school district having a population of  
5 not more than 500,000.

6 "State Board" means the State Board of Education.

7 "State Superintendent" means the State Superintendent of  
8 Education.

9 (c) The State Board has the power to direct the State  
10 Superintendent to remove a board. Boards may be removed when  
11 the criteria provided for in subsection (d) of this Section are  
12 met.

13 If the State Board proposes to direct the State  
14 Superintendent to remove a board from a district, board members  
15 shall receive individual written notice of the intended  
16 removal. Written notice must be provided at least 30 calendar  
17 days before a hearing is held by the State Board. This notice  
18 shall identify the basis for proposed removal.

19 Board members are entitled to a hearing, during which time  
20 each board member shall have the opportunity to respond  
21 individually, both orally and through written comments, to the  
22 basis laid out in the notice. Written comments must be  
23 submitted to the State Board on or before the hearing.

24 Board members are entitled to be represented by counsel at  
25 the hearing, but counsel must not be paid with district funds,  
26 unless the State Board decides that the board will not be

1 removed and then the board members may be reimbursed for all  
2 reasonable attorney's fees by the district.

3 The State Board shall make a final decision on removal  
4 immediately following the hearing or at its next regularly  
5 scheduled or special meeting. In no event may the decision be  
6 made later than the next regularly scheduled meeting.

7 The State Board shall issue a final written decision. If  
8 the State Board directs the State Superintendent to remove the  
9 board, the State Superintendent shall do so within 30 days  
10 after the written decision. Following the removal of the board,  
11 the State Superintendent shall establish an Independent  
12 Authority pursuant to subsection (e) of this Section.

13 If there is a financial oversight panel operating in the  
14 district pursuant to Article 1B or 1H of this Code, the State  
15 Board may, at its discretion, abolish the panel.

16 (d) The State Board may require priority districts, as  
17 defined in subsection (b-5) of Section 2-3.25f of this Code, to  
18 seek accreditation through an independent accreditation  
19 organization chosen by the State Board and paid for by the  
20 State. The State Board may direct the State Superintendent to  
21 remove board members pursuant to subsection (c) of this Section  
22 in any district in which the district is unable to obtain  
23 accreditation in whole or in part due to reasons specifically  
24 related to school board governance. When determining if a  
25 district has failed to meet the standards for accreditation  
26 specifically related to school board governance, the

1 accreditation entity shall take into account the overall  
2 academic, fiscal, and operational condition of the district and  
3 consider whether the board has failed to protect district  
4 assets, to direct sound administrative and academic policy, to  
5 abide by basic governance principles, including those set forth  
6 in district policies, and to conduct itself with  
7 professionalism and care and in a legally, ethically, and  
8 financially responsible manner. When considering if a board has  
9 failed in these areas, the accreditation entity shall consider  
10 some or all of the following factors; however, (i) a board does  
11 not have to have engaged in any specific number of these  
12 factors nor does it have to have failed in all of the following  
13 areas in order to be removed and (ii) the accreditation entity  
14 does not have to make a finding as to each of these factors:

15 (1) Failure to protect district assets by, without  
16 limitation, incidents of fiscal fraud or misappropriation  
17 of district funds; acts of neglecting the district's  
18 building conditions; a failure to meet regularly  
19 scheduled, payroll-period obligations when due; a failure  
20 to develop and implement a comprehensive, risk-management  
21 plan; a failure to provide financial information or  
22 cooperate with the State Superintendent; or a failure to  
23 file an annual financial report, an annual budget, a  
24 deficit reduction plan, or other financial information as  
25 required by law.

26 (2) Failure to direct sound administrative and

1 academic policy by, without limitation, hiring staff who do  
2 not meet minimal certification requirements for the  
3 positions being filled or who do not meet the customary  
4 qualifications held by those occupying similar positions  
5 in other school districts; a failure to avoid conflicts of  
6 interest as it relates to hiring or other contractual  
7 obligations; a failure to abide by competitive bidding  
8 laws; a failure to abide by the Open Meetings Act and the  
9 Freedom of Information Act; or a failure to adopt and  
10 implement policies and practices that promote conditions  
11 that support student learning, effective instruction, and  
12 assessment that produce equitable and challenging learning  
13 experiences for all students.

14 (3) Failure to abide by basic governance principles by,  
15 without limitation, a failure to adopt and abide by sound  
16 local governance policies; a failure to abide by the  
17 principle that official action by the board occurs only  
18 through a duly-called and legally conducted meeting of the  
19 board; a failure to ensure that board decisions and actions  
20 are in accordance with defined roles and responsibilities;  
21 or a failure of the board to protect, support, and respect  
22 the autonomy of a system to accomplish goals for  
23 improvement in student learning and instruction and to  
24 manage day-to-day operations of the school system and its  
25 schools, including maintaining the distinction between the  
26 board's roles and responsibilities and those of

1 administrative leadership.

2 (4) Failure to conduct itself in a legally, ethically,  
3 and financially responsible manner by, without limitation,  
4 a failure to act in accordance with the Constitution of the  
5 United States of America and the Constitution of the State  
6 of Illinois and within the scope of State and federal laws;  
7 a failure to comply with all district policies and  
8 procedures and all State rules; or a failure to comply with  
9 the governmental entities provisions of the State  
10 Officials and Employees Ethics Act, including the gift ban  
11 and prohibited political activities provisions.

12 (e) Upon removal of the board, the State Superintendent  
13 shall establish an Independent Authority. Upon establishment  
14 of an Independent Authority, there is established a body both  
15 corporate and politic to be known as the "(Name of the School  
16 District) Independent Authority", which in this name shall  
17 exercise all of the authority vested in an Independent  
18 Authority by this Section and by the name may sue and be sued  
19 in all courts and places where judicial proceedings are had.

20 (f) Upon establishment of an Independent Authority under  
21 subsection (e) of this Section, the State Superintendent shall,  
22 within 30 working days thereafter and in consultation with  
23 State and locally elected officials, appoint 5 or 7 members to  
24 serve on an Independent Authority for the district. Members  
25 appointed to the Independent Authority shall serve at the  
26 pleasure of the State Superintendent. The State Superintendent

1 shall designate one of the members of the Independent Authority  
2 to serve as its chairperson. In the event of vacancy or  
3 resignation, the State Superintendent shall, within 15  
4 workings days after receiving notice, appoint a successor to  
5 serve out that member's term. If the State Board has abolished  
6 a financial oversight panel pursuant to subsection (c) of this  
7 Section, the State Superintendent may appoint former members of  
8 the panel to the Independent Authority. These members may serve  
9 as part of the 5 or 7 members or may be appointed in addition to  
10 the 5 or 7 members, with the Independent Authority not to  
11 exceed 9 members in total.

12 Members of the Independent Authority must be selected  
13 primarily on the basis of their experience and knowledge in  
14 education policy and governance, with consideration given to  
15 persons knowledgeable in the operation of a school district. A  
16 member of the Independent Authority must be a registered voter  
17 as provided in the general election law, must not be a school  
18 trustee, and must not be a child sex offender as defined in  
19 Section 11-9.3 of the Criminal Code of 2012. A majority of the  
20 members of the Independent Authority must be residents of the  
21 district that the Independent Authority serves. A member of the  
22 Independent Authority may not be an employee of the district,  
23 nor may a member have a direct financial interest in the  
24 district.

25 Independent Authority members may be reimbursed by the  
26 district for travel if they live more than 25 miles away from

1 the district's headquarters and other necessary expenses  
2 incurred in the performance of their official duties. The  
3 amount reimbursed members for their expenses must be charged to  
4 the school district.

5 With the exception of the Chairperson, the Independent  
6 Authority may elect such officers as it deems appropriate.

7 The first meeting of the Independent Authority must be held  
8 at the call of the Chairperson. The Independent Authority shall  
9 prescribe the times and places for its meetings and the manner  
10 in which regular and special meetings may be called and shall  
11 comply with the Open Meetings Act.

12 All Independent Authority members must complete the  
13 training required of school board members under Section 10-16a  
14 of this Code.

15 (g) The purpose of the Independent Authority is to operate  
16 the district. The Independent Authority shall have all of the  
17 powers and duties of a board and all other powers necessary to  
18 meet its responsibilities and to carry out its purpose and the  
19 purposes of this Section and that may be requisite or proper  
20 for the maintenance, operation, and development of any school  
21 or schools under the jurisdiction of the Independent Authority.  
22 This grant of powers does not release an Independent Authority  
23 from any duty imposed upon it by this Code or any other law.

24 The Independent Authority shall have no power to  
25 unilaterally cancel or modify any collective bargaining  
26 agreement in force upon the date of creation of the Independent

1 Authority.

2 (h) The Independent Authority may prepare and file with the  
3 State Superintendent a proposal for emergency financial  
4 assistance for the school district and for the operations  
5 budget of the Independent Authority, in accordance with Section  
6 1B-8 of this Code. A district may receive both a loan and a  
7 grant.

8 (i) An election for board members must not be held in a  
9 district upon the establishment of an Independent Authority and  
10 is suspended until the next regularly scheduled school board  
11 election that takes place no less than 2 years following the  
12 establishment of the Independent Authority. For this first  
13 election, 3 school board members must be elected to serve out  
14 terms of 4 years and until successors are elected and have  
15 qualified. Members of the Independent Authority are eligible to  
16 run for election in the district, provided that they meet all  
17 other eligibility requirements of Section 10-10 of this Code.  
18 Following this election, the school board shall consist of the  
19 newly elected members and any remaining members of the  
20 Independent Authority. The majority of this board must be  
21 residents of the district. The State Superintendent must  
22 appoint new members who are residents to the Independent  
23 Authority if necessary to maintain this majority. At the next  
24 school board election, 4 school board members must be elected  
25 to serve out terms of 4 years and until successors are elected  
26 and have qualified. For purposes of these first 2 elections,



1 the school board members must be elected at-large. In districts  
2 where board members were previously elected using an  
3 alternative format pursuant to Article 9 of this Code,  
4 following these first 2 elections, the voting shall  
5 automatically revert back to the original form. Following the  
6 election, any remaining Independent Authority members shall  
7 serve in the district as an oversight panel until such time as  
8 the district meets the governance standards necessary to  
9 achieve accreditation. If some or all of the Independent  
10 Authority members have been elected to the board, the State  
11 Superintendent may, in his or her discretion, appoint new  
12 members to the Independent Authority pursuant to subsection (f)  
13 of this Section. The school board shall get approval of all  
14 actions by the Independent Authority during the time the  
15 Independent Authority serves as an oversight panel.

16 Board members who were removed pursuant to subsection (c)  
17 of this Section are ineligible to run for school board in the  
18 district for 10 years following the abolition of the  
19 Independent Authority pursuant to subsection (l) of this  
20 Section. However, board members who were removed pursuant to  
21 subsection (c) of this Section and were appointed to the  
22 Independent Authority by the State Superintendent are eligible  
23 to run for school board in the district.

24 (j) The Independent Authority, upon its members taking  
25 office and annually thereafter and upon request, shall prepare  
26 and submit to the State Superintendent a report on the state of

1 the district, including without limitation the academic  
2 improvement and financial situation of the district. This  
3 report must be submitted annually on or before March 1 of each  
4 year. The State Superintendent shall provide copies of any and  
5 all reports to the regional office of education for the  
6 district and to the State Senator and Representative  
7 representing the area where the district is located.

8 (k) The district shall render such services to and permit  
9 the use of its facilities and resources by the Independent  
10 Authority at no charge as may be requested by the Independent  
11 Authority. Any State agency, unit of local government, or  
12 school district may, within its lawful powers and duties,  
13 render such services to the Independent Authority as may be  
14 requested by the Independent Authority.

15 (l) An Independent Authority must be abolished when the  
16 district, following the election of the full board, meets the  
17 governance standards necessary to achieve accreditation status  
18 by an independent accreditation agency chosen by the State  
19 Board. The abolition of the Independent Authority shall be done  
20 by the State Board and take place within 30 days after the  
21 determination of the accreditation agency.

22 Upon abolition of the Independent Authority, all powers and  
23 duties allowed by this Code to be exercised by a school board  
24 shall be transferred to the elected school board.

25 (m) The Independent Authority must be indemnified through  
26 insurance purchased by the district. The district shall

1 purchase insurance through which the Independent Authority is  
2 to be indemnified.

3 The district retains the duty to represent and to indemnify  
4 Independent Authority members following the abolition of the  
5 Independent Authority for any cause of action or remedy  
6 available against the Independent Authority, its members, its  
7 employees, or its agents for any right or claim existing or any  
8 liability incurred prior to the abolition.

9 The insurance shall indemnify and protect districts,  
10 Independent Authority members, employees, volunteer personnel  
11 authorized in Sections 10-22.34, 10-22.34a, and 10-22.34b of  
12 this Code, mentors of certified or licensed staff as authorized  
13 in Article 21A and Sections 2-3.53a, 2-3.53b, and 34-18.33 of  
14 this Code, and student teachers against civil rights damage  
15 claims and suits, constitutional rights damage claims and  
16 suits, and death and bodily injury and property damage claims  
17 and suits, including defense thereof, when damages are sought  
18 for negligent or wrongful acts alleged to have been committed  
19 in the scope of employment, under the direction of the  
20 Independent Authority, or related to any mentoring services  
21 provided to certified or licensed staff of the district. Such  
22 indemnification and protection shall extend to persons who were  
23 members of an Independent Authority, employees of an  
24 Independent Authority, authorized volunteer personnel, mentors  
25 of certified or licensed staff, or student teachers at the time  
26 of the incident from which a claim arises. No agent may be

1 afforded indemnification or protection unless he or she was a  
2 member of an Independent Authority, an employee of an  
3 Independent Authority, an authorized volunteer, a mentor of  
4 certified or licensed staff, or a student teacher at the time  
5 of the incident from which the claim arises.

6 (n) The State Board may adopt rules as may be necessary for  
7 the administration of this Section.

8 (105 ILCS 5/2-3.25g) (from Ch. 122, par. 2-3.25g)  
9 Sec. 2-3.25g. Waiver or modification of mandates within the  
10 School Code and administrative rules and regulations.

11 (a) In this Section:

12 "Board" means a school board or the governing board or  
13 administrative district, as the case may be, for a joint  
14 agreement.

15 "Eligible applicant" means a school district, joint  
16 agreement made up of school districts, or regional  
17 superintendent of schools on behalf of schools and programs  
18 operated by the regional office of education.

19 "Implementation date" has the meaning set forth in  
20 Section 24A-2.5 of this Code.

21 "State Board" means the State Board of Education.

22 (b) Notwithstanding any other provisions of this School  
23 Code or any other law of this State to the contrary, eligible  
24 applicants may petition the State Board of Education for the  
25 waiver or modification of the mandates of this School Code or

1 of the administrative rules and regulations promulgated by the  
2 State Board of Education. Waivers or modifications of  
3 administrative rules and regulations and modifications of  
4 mandates of this School Code may be requested when an eligible  
5 applicant demonstrates that it can address the intent of the  
6 rule or mandate in a more effective, efficient, or economical  
7 manner or when necessary to stimulate innovation or improve  
8 student performance. Waivers of mandates of the School Code may  
9 be requested when the waivers are necessary to stimulate  
10 innovation or improve student performance. Waivers may not be  
11 requested from laws, rules, and regulations pertaining to  
12 special education, teacher certification, teacher tenure and  
13 seniority, or Section 5-2.1 of this Code or from compliance  
14 with the No Child Left Behind Act of 2001 (Public Law 107-110).  
15 Eligible applicants may not seek a waiver or seek a  
16 modification of a mandate regarding the requirements for (i)  
17 student performance data to be a significant factor in teacher  
18 or principal evaluations or (ii) for teachers and principals to  
19 be rated using the 4 categories of "excellent", "proficient",  
20 "needs improvement", or "unsatisfactory". On September 1,  
21 2014, any previously authorized waiver or modification from  
22 such requirements shall terminate.

23 (c) Eligible applicants, as a matter of inherent managerial  
24 policy, and any Independent Authority established under  
25 Section 2-3.25f-5 of this Code ~~2-3.25f~~ may submit an  
26 application for a waiver or modification authorized under this

1 Section. Each application must include a written request by the  
2 eligible applicant or Independent Authority and must  
3 demonstrate that the intent of the mandate can be addressed in  
4 a more effective, efficient, or economical manner or be based  
5 upon a specific plan for improved student performance and  
6 school improvement. Any eligible applicant requesting a waiver  
7 or modification for the reason that intent of the mandate can  
8 be addressed in a more economical manner shall include in the  
9 application a fiscal analysis showing current expenditures on  
10 the mandate and projected savings resulting from the waiver or  
11 modification. Applications and plans developed by eligible  
12 applicants must be approved by the board or regional  
13 superintendent of schools applying on behalf of schools or  
14 programs operated by the regional office of education following  
15 a public hearing on the application and plan and the  
16 opportunity for the board or regional superintendent to hear  
17 testimony from staff directly involved in its implementation,  
18 parents, and students. The time period for such testimony shall  
19 be separate from the time period established by the eligible  
20 applicant for public comment on other matters. If the applicant  
21 is a school district or joint agreement requesting a waiver or  
22 modification of Section 27-6 of this Code, the public hearing  
23 shall be held on a day other than the day on which a regular  
24 meeting of the board is held.

25 (c-5) If the applicant is a school district, then the  
26 district shall post information that sets forth the time, date,

1 place, and general subject matter of the public hearing on its  
2 Internet website at least 14 days prior to the hearing. If the  
3 district is requesting to increase the fee charged for driver  
4 education authorized pursuant to Section 27-24.2 of this Code,  
5 the website information shall include the proposed amount of  
6 the fee the district will request. All school districts must  
7 publish a notice of the public hearing at least 7 days prior to  
8 the hearing in a newspaper of general circulation within the  
9 school district that sets forth the time, date, place, and  
10 general subject matter of the hearing. Districts requesting to  
11 increase the fee charged for driver education shall include in  
12 the published notice the proposed amount of the fee the  
13 district will request. If the applicant is a joint agreement or  
14 regional superintendent, then the joint agreement or regional  
15 superintendent shall post information that sets forth the time,  
16 date, place, and general subject matter of the public hearing  
17 on its Internet website at least 14 days prior to the hearing.  
18 If the joint agreement or regional superintendent is requesting  
19 to increase the fee charged for driver education authorized  
20 pursuant to Section 27-24.2 of this Code, the website  
21 information shall include the proposed amount of the fee the  
22 applicant will request. All joint agreements and regional  
23 superintendents must publish a notice of the public hearing at  
24 least 7 days prior to the hearing in a newspaper of general  
25 circulation in each school district that is a member of the  
26 joint agreement or that is served by the educational service

1 region that sets forth the time, date, place, and general  
2 subject matter of the hearing, provided that a notice appearing  
3 in a newspaper generally circulated in more than one school  
4 district shall be deemed to fulfill this requirement with  
5 respect to all of the affected districts. Joint agreements or  
6 regional superintendents requesting to increase the fee  
7 charged for driver education shall include in the published  
8 notice the proposed amount of the fee the applicant will  
9 request. The eligible applicant must notify in writing the  
10 affected exclusive collective bargaining agent and those State  
11 legislators representing the eligible applicant's territory of  
12 its intent to seek approval of a waiver or modification and of  
13 the hearing to be held to take testimony from staff. The  
14 affected exclusive collective bargaining agents shall be  
15 notified of such public hearing at least 7 days prior to the  
16 date of the hearing and shall be allowed to attend such public  
17 hearing. The eligible applicant shall attest to compliance with  
18 all of the notification and procedural requirements set forth  
19 in this Section.

20 (d) A request for a waiver or modification of  
21 administrative rules and regulations or for a modification of  
22 mandates contained in this School Code shall be submitted to  
23 the State Board of Education within 15 days after approval by  
24 the board or regional superintendent of schools. The  
25 application as submitted to the State Board of Education shall  
26 include a description of the public hearing. Except with



1 respect to contracting for adaptive driver education, an  
2 eligible applicant wishing to request a modification or waiver  
3 of administrative rules of the State Board of Education  
4 regarding contracting with a commercial driver training school  
5 to provide the course of study authorized under Section 27-24.2  
6 of this Code must provide evidence with its application that  
7 the commercial driver training school with which it will  
8 contract holds a license issued by the Secretary of State under  
9 Article IV of Chapter 6 of the Illinois Vehicle Code and that  
10 each instructor employed by the commercial driver training  
11 school to provide instruction to students served by the school  
12 district holds a valid teaching certificate or teaching  
13 license, as applicable, issued under the requirements of this  
14 Code and rules of the State Board of Education. Such evidence  
15 must include, but need not be limited to, a list of each  
16 instructor assigned to teach students served by the school  
17 district, which list shall include the instructor's name,  
18 personal identification number as required by the State Board  
19 of Education, birth date, and driver's license number. If the  
20 modification or waiver is granted, then the eligible applicant  
21 shall notify the State Board of Education of any changes in the  
22 personnel providing instruction within 15 calendar days after  
23 an instructor leaves the program or a new instructor is hired.  
24 Such notification shall include the instructor's name,  
25 personal identification number as required by the State Board  
26 of Education, birth date, and driver's license number. If a

1 school district maintains an Internet website, then the  
2 district shall post a copy of the final contract between the  
3 district and the commercial driver training school on the  
4 district's Internet website. If no Internet website exists,  
5 then the district shall make available the contract upon  
6 request. A record of all materials in relation to the  
7 application for contracting must be maintained by the school  
8 district and made available to parents and guardians upon  
9 request. The instructor's date of birth and driver's license  
10 number and any other personally identifying information as  
11 deemed by the federal Driver's Privacy Protection Act of 1994  
12 must be redacted from any public materials. Following receipt  
13 of the waiver or modification request, the State Board shall  
14 have 45 days to review the application and request. If the  
15 State Board fails to disapprove the application within that 45  
16 day period, the waiver or modification shall be deemed granted.  
17 The State Board may disapprove any request if it is not based  
18 upon sound educational practices, endangers the health or  
19 safety of students or staff, compromises equal opportunities  
20 for learning, or fails to demonstrate that the intent of the  
21 rule or mandate can be addressed in a more effective,  
22 efficient, or economical manner or have improved student  
23 performance as a primary goal. Any request disapproved by the  
24 State Board may be appealed to the General Assembly by the  
25 eligible applicant as outlined in this Section.

26 A request for a waiver from mandates contained in this

1 School Code shall be submitted to the State Board within 15  
2 days after approval by the board or regional superintendent of  
3 schools. The application as submitted to the State Board of  
4 Education shall include a description of the public hearing.  
5 The description shall include, but need not be limited to, the  
6 means of notice, the number of people in attendance, the number  
7 of people who spoke as proponents or opponents of the waiver, a  
8 brief description of their comments, and whether there were any  
9 written statements submitted. The State Board shall review the  
10 applications and requests for completeness and shall compile  
11 the requests in reports to be filed with the General Assembly.  
12 The State Board shall file reports outlining the waivers  
13 requested by eligible applicants and appeals by eligible  
14 applicants of requests disapproved by the State Board with the  
15 Senate and the House of Representatives before each March 1 and  
16 October 1. The General Assembly may disapprove the report of  
17 the State Board in whole or in part within 60 calendar days  
18 after each house of the General Assembly next convenes after  
19 the report is filed by adoption of a resolution by a record  
20 vote of the majority of members elected in each house. If the  
21 General Assembly fails to disapprove any waiver request or  
22 appealed request within such 60 day period, the waiver or  
23 modification shall be deemed granted. Any resolution adopted by  
24 the General Assembly disapproving a report of the State Board  
25 in whole or in part shall be binding on the State Board.

26 (e) An approved waiver or modification (except a waiver

1 from or modification to a physical education mandate) may  
2 remain in effect for a period not to exceed 5 school years and  
3 may be renewed upon application by the eligible applicant.  
4 However, such waiver or modification may be changed within that  
5 5-year period by a board or regional superintendent of schools  
6 applying on behalf of schools or programs operated by the  
7 regional office of education following the procedure as set  
8 forth in this Section for the initial waiver or modification  
9 request. If neither the State Board of Education nor the  
10 General Assembly disapproves, the change is deemed granted.

11 An approved waiver from or modification to a physical  
12 education mandate may remain in effect for a period not to  
13 exceed 2 school years and may be renewed no more than 2 times  
14 upon application by the eligible applicant. An approved waiver  
15 from or modification to a physical education mandate may be  
16 changed within the 2-year period by the board or regional  
17 superintendent of schools, whichever is applicable, following  
18 the procedure set forth in this Section for the initial waiver  
19 or modification request. If neither the State Board of  
20 Education nor the General Assembly disapproves, the change is  
21 deemed granted.

22 (f) (Blank).

23 (Source: P.A. 97-1025, eff. 1-1-13; 98-513, eff. 1-1-14.)

24 (105 ILCS 5/2-3.25h) (from Ch. 122, par. 2-3.25h)

25 Sec. 2-3.25h. Technical assistance; State support

1 services. Schools, school districts, local school councils,  
2 school improvement panels, and any Independent Authority  
3 established under Section 2-3.25f-5 of this Code ~~2-3.25f~~ may  
4 receive technical assistance that the State Board of Education  
5 shall make available. Such technical assistance shall include  
6 without limitation assistance in the areas of curriculum  
7 evaluation, the instructional process, student performance,  
8 school environment, staff effectiveness, school and community  
9 relations, parental involvement, resource management,  
10 leadership, data analysis processes and tools, school  
11 improvement plan guidance and feedback, information regarding  
12 scientifically based research-proven curriculum and  
13 instruction, and professional development opportunities for  
14 teachers and administrators.

15 (Source: P.A. 93-470, eff. 8-8-03.)

16 (105 ILCS 5/10-10) (from Ch. 122, par. 10-10)

17 Sec. 10-10. Board of education; term; vacancy. All school  
18 districts having a population of not fewer than 1,000 and not  
19 more than 500,000 inhabitants, as ascertained by any special or  
20 general census, and not governed by special Acts, shall be  
21 governed by a board of education consisting of 7 members,  
22 serving without compensation except as herein provided. Each  
23 member shall be elected for a term of 4 years for the initial  
24 members of the board of education of a combined school district  
25 to which that subsection applies. If 5 members are elected in

1 1983 pursuant to the extension of terms provided by law for  
2 transition to the consolidated election schedule under the  
3 general election law, 2 of those members shall be elected to  
4 serve terms of 2 years and 3 shall be elected to serve terms of  
5 4 years; their successors shall serve for a 4 year term. When  
6 the voters of a district have voted to elect members of the  
7 board of education for 6 year terms, as provided in Section  
8 9-5, the terms of office of members of the board of education  
9 of that district expire when their successors assume office but  
10 not later than 7 days after such election. If at the regular  
11 school election held in the first odd-numbered year after the  
12 determination to elect members for 6 year terms 2 members are  
13 elected, they shall serve for a 6 year term; and of the members  
14 elected at the next regular school election 3 shall serve for a  
15 term of 6 years and 2 shall serve a term of 2 years. Thereafter  
16 members elected in such districts shall be elected to a 6 year  
17 term. If at the regular school election held in the first  
18 odd-numbered year after the determination to elect members for  
19 6 year terms 3 members are elected, they shall serve for a 6  
20 year term; and of the members elected at the next regular  
21 school election 2 shall serve for a term of 2 years and 2 shall  
22 serve for a term of 6 years. Thereafter members elected in such  
23 districts shall be elected to a 6 year term. If at the regular  
24 school election held in the first odd-numbered year after the  
25 determination to elect members for 6 year terms 4 members are  
26 elected, 3 shall serve for a term of 6 years and one shall

1 serve for a term of 2 years; and of the members elected at the  
2 next regular school election 2 shall serve for terms of 6 years  
3 and 2 shall serve for terms of 2 years. Thereafter members  
4 elected in such districts shall be elected to a 6 year term. If  
5 at the regular school election held in the first odd-numbered  
6 year after the determination to elect members for a 6 year term  
7 5 members are elected, 3 shall serve for a term of 6 years and 2  
8 shall serve for a term of 2 years; and of the members elected  
9 at the next regular school election 2 shall serve for terms of  
10 6 years and 2 shall serve for terms of 2 years. Thereafter  
11 members elected in such districts shall be elected to a 6 year  
12 term. An election for board members shall not be held in school  
13 districts which by consolidation, annexation or otherwise  
14 shall cease to exist as a school district within 6 months after  
15 the election date, and the term of all board members which  
16 would otherwise terminate shall be continued until such  
17 district shall cease to exist. Each member, on the date of his  
18 or her election, shall be a citizen of the United States of the  
19 age of 18 years or over, shall be a resident of the State and  
20 the territory of the district for at least one year immediately  
21 preceding his or her election, shall be a registered voter as  
22 provided in the general election law, shall not be a school  
23 trustee, must not have been removed from a school board  
24 pursuant to Section 2-3.25f-5 of this Code (unless subsequently  
25 appointed as a member of an Independent Authority or if it has  
26 been 10 years since the abolition of the Independent Authority

1 in the district), and shall not be a child sex offender as  
2 defined in Section 11-9.3 of the Criminal Code of 2012. When  
3 the board of education is the successor of the school  
4 directors, all rights of property, and all rights regarding  
5 causes of action existing or vested in such directors, shall  
6 vest in it as fully as they were vested in the school  
7 directors. Terms of members are subject to Section 2A-54 of the  
8 Election Code.

9       Nomination papers filed under this Section are not valid  
10 unless the candidate named therein files with the county clerk  
11 or the county board of election commissioners, as the case may  
12 be, of the county in which the principal office of the school  
13 district is located a receipt from the county clerk showing  
14 that the candidate has filed a statement of economic interests  
15 as required by the Illinois Governmental Ethics Act. Such  
16 receipt shall be so filed either previously during the calendar  
17 year in which his nomination papers were filed or within the  
18 period for the filing of nomination papers in accordance with  
19 the general election law.

20       Whenever a vacancy occurs, the remaining members shall  
21 notify the regional superintendent of that vacancy within 5  
22 days after its occurrence and shall proceed to fill the vacancy  
23 until the next regular school election, at which election a  
24 successor shall be elected to serve the remainder of the  
25 unexpired term. However, if the vacancy occurs with less than  
26 868 days remaining in the term, or if the vacancy occurs less



1 than 88 days before the next regularly scheduled election for  
2 this office then the person so appointed shall serve the  
3 remainder of the unexpired term, and no election to fill the  
4 vacancy shall be held. Should they fail so to act, within 45  
5 days after the vacancy occurs, the regional superintendent of  
6 schools under whose supervision and control the district is  
7 operating, as defined in Section 3-14.2 of this Act, shall  
8 within 30 days after the remaining members have failed to fill  
9 the vacancy, fill the vacancy as provided for herein. Upon the  
10 regional superintendent's failure to fill the vacancy, the  
11 vacancy shall be filled at the next regularly scheduled  
12 election. Whether elected or appointed by the remaining members  
13 or regional superintendent, the successor shall be an  
14 inhabitant of the particular area from which his or her  
15 predecessor was elected if the residential requirements  
16 contained in Section 10-10.5 or 12-2 of this Code apply.

17 A board of education may appoint a student to the board to  
18 serve in an advisory capacity. The student member shall serve  
19 for a term as determined by the board. The board may not grant  
20 the student member any voting privileges, but shall consider  
21 the student member as an advisor. The student member may not  
22 participate in or attend any executive session of the board.

23 (Source: P.A. 97-1150, eff. 1-25-13; 98-115, eff. 7-29-13.)

24 Section 7. The Illinois Educational Labor Relations Act is  
25 amended by changing Section 2 as follows:

1 (115 ILCS 5/2) (from Ch. 48, par. 1702)

2 Sec. 2. Definitions. As used in this Act:

3 (a) "Educational employer" or "employer" means the  
4 governing body of a public school district, including the  
5 governing body of a charter school established under Article  
6 27A of the School Code or of a contract school or contract  
7 turnaround school established under paragraph 30 of Section  
8 34-18 of the School Code, combination of public school  
9 districts, including the governing body of joint agreements of  
10 any type formed by 2 or more school districts, public community  
11 college district or State college or university, a  
12 subcontractor of instructional services of a school district  
13 (other than a school district organized under Article 34 of the  
14 School Code), combination of school districts, charter school  
15 established under Article 27A of the School Code, or contract  
16 school or contract turnaround school established under  
17 paragraph 30 of Section 34-18 of the School Code, an  
18 Independent Authority created under Section 2-3.25f-5 of the  
19 School Code, and any State agency whose major function is  
20 providing educational services. "Educational employer" or  
21 "employer" does not include (1) a Financial Oversight Panel  
22 created pursuant to Section 1A-8 of the School Code due to a  
23 district violating a financial plan or (2) an approved  
24 nonpublic special education facility that contracts with a  
25 school district or combination of school districts to provide

1 special education services pursuant to Section 14-7.02 of the  
2 School Code, but does include a School Finance Authority  
3 created under Article 1E or 1F of the School Code and a  
4 Financial Oversight Panel created under Article 1B or 1H of the  
5 School Code. The change made by this amendatory Act of the 96th  
6 General Assembly to this paragraph (a) to make clear that the  
7 governing body of a charter school is an "educational employer"  
8 is declaratory of existing law.

9 (b) "Educational employee" or "employee" means any  
10 individual, excluding supervisors, managerial, confidential,  
11 short term employees, student, and part-time academic  
12 employees of community colleges employed full or part time by  
13 an educational employer, but shall not include elected  
14 officials and appointees of the Governor with the advice and  
15 consent of the Senate, firefighters as defined by subsection  
16 (g-1) of Section 3 of the Illinois Public Labor Relations Act,  
17 and peace officers employed by a State university. For the  
18 purposes of this Act, part-time academic employees of community  
19 colleges shall be defined as those employees who provide less  
20 than 3 credit hours of instruction per academic semester. In  
21 this subsection (b), the term "student" includes graduate  
22 students who are research assistants primarily performing  
23 duties that involve research or graduate assistants primarily  
24 performing duties that are pre-professional, but excludes  
25 graduate students who are teaching assistants primarily  
26 performing duties that involve the delivery and support of

1 instruction and all other graduate assistants.

2 (c) "Employee organization" or "labor organization" means  
3 an organization of any kind in which membership includes  
4 educational employees, and which exists for the purpose, in  
5 whole or in part, of dealing with employers concerning  
6 grievances, employee-employer disputes, wages, rates of pay,  
7 hours of employment, or conditions of work, but shall not  
8 include any organization which practices discrimination in  
9 membership because of race, color, creed, age, gender, national  
10 origin or political affiliation.

11 (d) "Exclusive representative" means the labor  
12 organization which has been designated by the Illinois  
13 Educational Labor Relations Board as the representative of the  
14 majority of educational employees in an appropriate unit, or  
15 recognized by an educational employer prior to January 1, 1984  
16 as the exclusive representative of the employees in an  
17 appropriate unit or, after January 1, 1984, recognized by an  
18 employer upon evidence that the employee organization has been  
19 designated as the exclusive representative by a majority of the  
20 employees in an appropriate unit.

21 (e) "Board" means the Illinois Educational Labor Relations  
22 Board.

23 (f) "Regional Superintendent" means the regional  
24 superintendent of schools provided for in Articles 3 and 3A of  
25 The School Code.

26 (g) "Supervisor" means any individual having authority in

1 the interests of the employer to hire, transfer, suspend, lay  
2 off, recall, promote, discharge, reward or discipline other  
3 employees within the appropriate bargaining unit and adjust  
4 their grievances, or to effectively recommend such action if  
5 the exercise of such authority is not of a merely routine or  
6 clerical nature but requires the use of independent judgment.  
7 The term "supervisor" includes only those individuals who  
8 devote a preponderance of their employment time to such  
9 exercising authority.

10 (h) "Unfair labor practice" or "unfair practice" means any  
11 practice prohibited by Section 14 of this Act.

12 (i) "Person" includes an individual, educational employee,  
13 educational employer, legal representative, or employee  
14 organization.

15 (j) "Wages" means salaries or other forms of compensation  
16 for services rendered.

17 (k) "Professional employee" means, in the case of a public  
18 community college, State college or university, State agency  
19 whose major function is providing educational services, the  
20 Illinois School for the Deaf, and the Illinois School for the  
21 Visually Impaired, (1) any employee engaged in work (i)  
22 predominantly intellectual and varied in character as opposed  
23 to routine mental, manual, mechanical, or physical work; (ii)  
24 involving the consistent exercise of discretion and judgment in  
25 its performance; (iii) of such character that the output  
26 produced or the result accomplished cannot be standardized in

1 relation to a given period of time; and (iv) requiring  
2 knowledge of an advanced type in a field of science or learning  
3 customarily acquired by a prolonged course of specialized  
4 intellectual instruction and study in an institution of higher  
5 learning or a hospital, as distinguished from a general  
6 academic education or from an apprenticeship or from training  
7 in the performance of routine mental, manual, or physical  
8 processes; or (2) any employee, who (i) has completed the  
9 courses of specialized intellectual instruction and study  
10 described in clause (iv) of paragraph (1) of this subsection,  
11 and (ii) is performing related work under the supervision of a  
12 professional person to qualify himself or herself to become a  
13 professional as defined in paragraph (1).

14 (l) "Professional employee" means, in the case of any  
15 public school district, or combination of school districts  
16 pursuant to joint agreement, any employee who has a certificate  
17 issued under Article 21 or Section 34-83 of the School Code, as  
18 now or hereafter amended.

19 (m) "Unit" or "bargaining unit" means any group of  
20 employees for which an exclusive representative is selected.

21 (n) "Confidential employee" means an employee, who (i) in  
22 the regular course of his or her duties, assists and acts in a  
23 confidential capacity to persons who formulate, determine and  
24 effectuate management policies with regard to labor relations  
25 or who (ii) in the regular course of his or her duties has  
26 access to information relating to the effectuation or review of

1 the employer's collective bargaining policies.

2 (o) "Managerial employee" means an individual who is  
3 engaged predominantly in executive and management functions  
4 and is charged with the responsibility of directing the  
5 effectuation of such management policies and practices.

6 (p) "Craft employee" means a skilled journeyman, craft  
7 person, and his or her apprentice or helper.

8 (q) "Short-term employee" is an employee who is employed  
9 for less than 2 consecutive calendar quarters during a calendar  
10 year and who does not have a reasonable expectation that he or  
11 she will be rehired by the same employer for the same service  
12 in a subsequent calendar year. Nothing in this subsection shall  
13 affect the employee status of individuals who were covered by a  
14 collective bargaining agreement on the effective date of this  
15 amendatory Act of 1991.

16 (Source: P.A. 96-104, eff. 1-1-10; 97-429, eff. 8-16-11.)

17 (105 ILCS 5/3-14.28 rep.)

18 Section 10. The School Code is amended by repealing Section  
19 3-14.28.

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law.

1		INDEX
2		Statutes amended in order of appearance
3	105 ILCS 5/2-3.25d	from Ch. 122, par. 2-3.25d
4	105 ILCS 5/2-3.25e-5 new	
5	105 ILCS 5/2-3.25f	from Ch. 122, par. 2-3.25f
6	105 ILCS 5/2-3.25f-5 new	
7	105 ILCS 5/2-3.25g	from Ch. 122, par. 2-3.25g
8	105 ILCS 5/2-3.25h	from Ch. 122, par. 2-3.25h
9	105 ILCS 5/10-10	from Ch. 122, par. 10-10
10	115 ILCS 5/2	from Ch. 48, par. 1702
11	105 ILCS 5/3-14.28 rep.	