

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. At no one time may the State Board remove more than 4
13 school boards and establish Independent Authorities pursuant
14 to subsection (e) of this Section.

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

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

26 Board members are entitled to be represented by counsel at

1 the hearing, but counsel must not be paid with district funds,
2 unless the State Board decides that the board will not be
3 removed and then the board members may be reimbursed for all
4 reasonable attorney's fees by the district.

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

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

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

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

1 district has failed to meet the standards for accreditation
2 specifically related to school board governance, the
3 accreditation entity shall take into account the overall
4 academic, fiscal, and operational condition of the district and
5 consider whether the board has failed to protect district
6 assets, to direct sound administrative and academic policy, to
7 abide by basic governance principles, including those set forth
8 in district policies, and to conduct itself with
9 professionalism and care and in a legally, ethically, and
10 financially responsible manner. When considering if a board has
11 failed in these areas, the accreditation entity shall consider
12 some or all of the following factors:

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

1 (2) Failure to direct sound administrative and
2 academic policy by, without limitation, hiring staff who do
3 not meet minimal certification requirements for the
4 positions being filled or who do not meet the customary
5 qualifications held by those occupying similar positions
6 in other school districts; a failure to avoid conflicts of
7 interest as it relates to hiring or other contractual
8 obligations; a failure to provide minimum graduation
9 requirements and curricular requirements of the School
10 Code and regulations; a failure to provide a minimum school
11 term as required by law; or a failure to adopt and
12 implement policies and practices that promote conditions
13 that support student learning, effective instruction, and
14 assessment that produce equitable and challenging learning
15 experiences for all students.

16 (3) Failure to abide by basic governance principles by,
17 without limitation, a failure to comply with the mandated
18 oath of office; a failure to adopt and abide by sound local
19 governance policies; a failure to abide by the principle
20 that official action by the board occurs only through a
21 duly-called and legally conducted meeting of the board; a
22 failure to abide by majority decisions of the board; a
23 failure to protect the privacy of students; a failure to
24 ensure that board decisions and actions are in accordance
25 with defined roles and responsibilities; or a failure of
26 the board to protect, support, and respect the autonomy of

1 a system to accomplish goals for improvement in student
2 learning and instruction and to manage day-to-day
3 operations of the school system and its schools, including
4 maintaining the distinction between the board's roles and
5 responsibilities and those of administrative leadership.

6 (4) Failure to conduct itself in a legally, ethically,
7 and financially responsible manner by, without limitation,
8 a failure to act in accordance with the Constitution of the
9 United States of America and the Constitution of the State
10 of Illinois and within the scope of State and federal laws;
11 laws, including a failure to comply with provisions of the
12 School Code, the Open Meetings Act, and the Freedom of
13 Information Act and federal and State laws that protect the
14 rights of protected categories of students; a failure to
15 comply with all district policies and procedures and all
16 State rules; or a failure to comply with the governmental
17 entities provisions of the State Officials and Employees
18 Ethics Act, including the gift ban and prohibited political
19 activities provisions.

20 (e) Upon removal of the board, the State Superintendent
21 shall establish an Independent Authority. Upon establishment
22 of an Independent Authority, there is established a body both
23 corporate and politic to be known as the "(Name of the School
24 District) Independent Authority", which in this name shall
25 exercise all of the authority vested in an Independent
26 Authority by this Section and by the name may sue and be sued

1 in all courts and places where judicial proceedings are had.

2 (f) Upon establishment of an Independent Authority under
3 subsection (e) of this Section, the State Superintendent shall,
4 within 30 working days thereafter and in consultation with
5 State and locally elected officials, appoint 5 or 7 members to
6 serve on an Independent Authority for the district. Members
7 appointed to the Independent Authority shall serve at the
8 pleasure of the State Superintendent. The State Superintendent
9 shall designate one of the members of the Independent Authority
10 to serve as its chairperson. In the event of vacancy or
11 resignation, the State Superintendent shall, within 15 working
12 days after receiving notice, appoint a successor to serve out
13 that member's term. If the State Board has abolished a
14 financial oversight panel pursuant to subsection (c) of this
15 Section, the State Superintendent may appoint former members of
16 the panel to the Independent Authority. These members may serve
17 as part of the 5 or 7 members or may be appointed in addition to
18 the 5 or 7 members, with the Independent Authority not to
19 exceed 9 members in total.

20 Members of the Independent Authority must be selected
21 primarily on the basis of their experience and knowledge in
22 education policy and governance, with consideration given to
23 persons knowledgeable in the operation of a school district. A
24 member of the Independent Authority must be a registered voter
25 as provided in the general election law, must not be a school
26 trustee, and must not be a child sex offender as defined in

1 Section 11-9.3 of the Criminal Code of 2012. A majority of the
2 members of the Independent Authority must be residents of the
3 district that the Independent Authority serves. A member of the
4 Independent Authority may not be an employee of the district,
5 nor may a member have a direct financial interest in the
6 district.

7 Independent Authority members may be reimbursed by the
8 district for travel if they live more than 25 miles away from
9 the district's headquarters and other necessary expenses
10 incurred in the performance of their official duties. The
11 amount reimbursed members for their expenses must be charged to
12 the school district.

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

15 The first meeting of the Independent Authority must be held
16 at the call of the Chairperson. The Independent Authority shall
17 prescribe the times and places for its meetings and the manner
18 in which regular and special meetings may be called and shall
19 comply with the Open Meetings Act.

20 All Independent Authority members must complete the
21 training required of school board members under Section 10-16a
22 of this Code.

23 (g) The purpose of the Independent Authority is to operate
24 the district. The Independent Authority shall have all of the
25 powers and duties of a board and all other powers necessary to
26 meet its responsibilities and to carry out its purpose and the

1 purposes of this Section and that may be requisite or proper
2 for the maintenance, operation, and development of any school
3 or schools under the jurisdiction of the Independent Authority.
4 This grant of powers does not release an Independent Authority
5 from any duty imposed upon it by this Code or any other law.

6 The Independent Authority shall have no power to
7 unilaterally cancel or modify any collective bargaining
8 agreement in force upon the date of creation of the Independent
9 Authority.

10 (h) The Independent Authority may prepare and file with the
11 State Superintendent a proposal for emergency financial
12 assistance for the school district and for the operations
13 budget of the Independent Authority, in accordance with Section
14 1B-8 of this Code. A district may receive both a loan and a
15 grant.

16 (i) An election for board members must not be held in a
17 district upon the establishment of an Independent Authority and
18 is suspended until the next regularly scheduled school board
19 election that takes place no less than 2 years following the
20 establishment of the Independent Authority. For this first
21 election, 3 school board members must be elected to serve out
22 terms of 4 years and until successors are elected and have
23 qualified. Members of the Independent Authority are eligible to
24 run for election in the district, provided that they meet all
25 other eligibility requirements of Section 10-10 of this Code.
26 Following this election, the school board shall consist of the

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

24 Board members who were removed pursuant to subsection (c)
25 of this Section are ineligible to run for school board in the
26 district for 10 years following the abolition of the

1 Independent Authority pursuant to subsection (l) of this
2 Section. However, board members who were removed pursuant to
3 subsection (c) of this Section and were appointed to the
4 Independent Authority by the State Superintendent are eligible
5 to run for school board in the district.

6 (j) The Independent Authority, upon its members taking
7 office and annually thereafter and upon request, shall prepare
8 and submit to the State Superintendent a report on the state of
9 the district, including without limitation the academic
10 improvement and financial situation of the district. This
11 report must be submitted annually on or before March 1 of each
12 year. The State Superintendent shall provide copies of any and
13 all reports to the regional office of education for the
14 district and to the State Senator and Representative
15 representing the area where the district is located.

16 (k) The district shall render such services to and permit
17 the use of its facilities and resources by the Independent
18 Authority at no charge as may be requested by the Independent
19 Authority. Any State agency, unit of local government, or
20 school district may, within its lawful powers and duties,
21 render such services to the Independent Authority as may be
22 requested by the Independent Authority.

23 (l) An Independent Authority must be abolished when the
24 district, following the election of the full board, meets the
25 governance standards necessary to achieve accreditation status
26 by an independent accreditation agency chosen by the State

1 Board. The abolition of the Independent Authority shall be done
2 by the State Board and take place within 30 days after the
3 determination of the accreditation agency.

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

7 (m) The Independent Authority must be indemnified through
8 insurance purchased by the district. The district shall
9 purchase insurance through which the Independent Authority is
10 to be indemnified.

11 The district retains the duty to represent and to indemnify
12 Independent Authority members following the abolition of the
13 Independent Authority for any cause of action or remedy
14 available against the Independent Authority, its members, its
15 employees, or its agents for any right or claim existing or any
16 liability incurred prior to the abolition.

17 The insurance shall indemnify and protect districts,
18 Independent Authority members, employees, volunteer personnel
19 authorized in Sections 10-22.34, 10-22.34a, and 10-22.34b of
20 this Code, mentors of certified or licensed staff as authorized
21 in Article 21A and Sections 2-3.53a, 2-3.53b, and 34-18.33 of
22 this Code, and student teachers against civil rights damage
23 claims and suits, constitutional rights damage claims and
24 suits, and death and bodily injury and property damage claims
25 and suits, including defense thereof, when damages are sought
26 for negligent or wrongful acts alleged to have been committed

1 in the scope of employment, under the direction of the
2 Independent Authority, or related to any mentoring services
3 provided to certified or licensed staff of the district. Such
4 indemnification and protection shall extend to persons who were
5 members of an Independent Authority, employees of an
6 Independent Authority, authorized volunteer personnel, mentors
7 of certified or licensed staff, or student teachers at the time
8 of the incident from which a claim arises. No agent may be
9 afforded indemnification or protection unless he or she was a
10 member of an Independent Authority, an employee of an
11 Independent Authority, an authorized volunteer, a mentor of
12 certified or licensed staff, or a student teacher at the time
13 of the incident from which the claim arises.

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

16 (105 ILCS 5/2-3.25g) (from Ch. 122, par. 2-3.25g)

17 Sec. 2-3.25g. Waiver or modification of mandates within the
18 School Code and administrative rules and regulations.

19 (a) In this Section:

20 "Board" means a school board or the governing board or
21 administrative district, as the case may be, for a joint
22 agreement.

23 "Eligible applicant" means a school district, joint
24 agreement made up of school districts, or regional
25 superintendent of schools on behalf of schools and programs

1 operated by the regional office of education.

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

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

5 (b) Notwithstanding any other provisions of this School
6 Code or any other law of this State to the contrary, eligible
7 applicants may petition the State Board of Education for the
8 waiver or modification of the mandates of this School Code or
9 of the administrative rules and regulations promulgated by the
10 State Board of Education. Waivers or modifications of
11 administrative rules and regulations and modifications of
12 mandates of this School Code may be requested when an eligible
13 applicant demonstrates that it can address the intent of the
14 rule or mandate in a more effective, efficient, or economical
15 manner or when necessary to stimulate innovation or improve
16 student performance. Waivers of mandates of the School Code may
17 be requested when the waivers are necessary to stimulate
18 innovation or improve student performance. Waivers may not be
19 requested from laws, rules, and regulations pertaining to
20 special education, teacher certification, teacher tenure and
21 seniority, or Section 5-2.1 of this Code or from compliance
22 with the No Child Left Behind Act of 2001 (Public Law 107-110).
23 Eligible applicants may not seek a waiver or seek a
24 modification of a mandate regarding the requirements for (i)
25 student performance data to be a significant factor in teacher
26 or principal evaluations or (ii) for teachers and principals to

1 be rated using the 4 categories of "excellent", "proficient",
2 "needs improvement", or "unsatisfactory". On September 1,
3 2014, any previously authorized waiver or modification from
4 such requirements shall terminate.

5 (c) Eligible applicants, as a matter of inherent managerial
6 policy, and any Independent Authority established under
7 Section 2-3.25f-5 of this Code ~~2-3.25f~~ may submit an
8 application for a waiver or modification authorized under this
9 Section. Each application must include a written request by the
10 eligible applicant or Independent Authority and must
11 demonstrate that the intent of the mandate can be addressed in
12 a more effective, efficient, or economical manner or be based
13 upon a specific plan for improved student performance and
14 school improvement. Any eligible applicant requesting a waiver
15 or modification for the reason that intent of the mandate can
16 be addressed in a more economical manner shall include in the
17 application a fiscal analysis showing current expenditures on
18 the mandate and projected savings resulting from the waiver or
19 modification. Applications and plans developed by eligible
20 applicants must be approved by the board or regional
21 superintendent of schools applying on behalf of schools or
22 programs operated by the regional office of education following
23 a public hearing on the application and plan and the
24 opportunity for the board or regional superintendent to hear
25 testimony from staff directly involved in its implementation,
26 parents, and students. The time period for such testimony shall

1 be separate from the time period established by the eligible
2 applicant for public comment on other matters. If the applicant
3 is a school district or joint agreement requesting a waiver or
4 modification of Section 27-6 of this Code, the public hearing
5 shall be held on a day other than the day on which a regular
6 meeting of the board is held.

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

1 to increase the fee charged for driver education authorized
2 pursuant to Section 27-24.2 of this Code, the website
3 information shall include the proposed amount of the fee the
4 applicant will request. All joint agreements and regional
5 superintendents must publish a notice of the public hearing at
6 least 7 days prior to the hearing in a newspaper of general
7 circulation in each school district that is a member of the
8 joint agreement or that is served by the educational service
9 region that sets forth the time, date, place, and general
10 subject matter of the hearing, provided that a notice appearing
11 in a newspaper generally circulated in more than one school
12 district shall be deemed to fulfill this requirement with
13 respect to all of the affected districts. Joint agreements or
14 regional superintendents requesting to increase the fee
15 charged for driver education shall include in the published
16 notice the proposed amount of the fee the applicant will
17 request. The eligible applicant must notify in writing the
18 affected exclusive collective bargaining agent and those State
19 legislators representing the eligible applicant's territory of
20 its intent to seek approval of a waiver or modification and of
21 the hearing to be held to take testimony from staff. The
22 affected exclusive collective bargaining agents shall be
23 notified of such public hearing at least 7 days prior to the
24 date of the hearing and shall be allowed to attend such public
25 hearing. The eligible applicant shall attest to compliance with
26 all of the notification and procedural requirements set forth

1 in this Section.

2 (d) A request for a waiver or modification of
3 administrative rules and regulations or for a modification of
4 mandates contained in this School Code shall be submitted to
5 the State Board of Education within 15 days after approval by
6 the board or regional superintendent of schools. The
7 application as submitted to the State Board of Education shall
8 include a description of the public hearing. Except with
9 respect to contracting for adaptive driver education, an
10 eligible applicant wishing to request a modification or waiver
11 of administrative rules of the State Board of Education
12 regarding contracting with a commercial driver training school
13 to provide the course of study authorized under Section 27-24.2
14 of this Code must provide evidence with its application that
15 the commercial driver training school with which it will
16 contract holds a license issued by the Secretary of State under
17 Article IV of Chapter 6 of the Illinois Vehicle Code and that
18 each instructor employed by the commercial driver training
19 school to provide instruction to students served by the school
20 district holds a valid teaching certificate or teaching
21 license, as applicable, issued under the requirements of this
22 Code and rules of the State Board of Education. Such evidence
23 must include, but need not be limited to, a list of each
24 instructor assigned to teach students served by the school
25 district, which list shall include the instructor's name,
26 personal identification number as required by the State Board

1 of Education, birth date, and driver's license number. If the
2 modification or waiver is granted, then the eligible applicant
3 shall notify the State Board of Education of any changes in the
4 personnel providing instruction within 15 calendar days after
5 an instructor leaves the program or a new instructor is hired.
6 Such notification shall include the instructor's name,
7 personal identification number as required by the State Board
8 of Education, birth date, and driver's license number. If a
9 school district maintains an Internet website, then the
10 district shall post a copy of the final contract between the
11 district and the commercial driver training school on the
12 district's Internet website. If no Internet website exists,
13 then the district shall make available the contract upon
14 request. A record of all materials in relation to the
15 application for contracting must be maintained by the school
16 district and made available to parents and guardians upon
17 request. The instructor's date of birth and driver's license
18 number and any other personally identifying information as
19 deemed by the federal Driver's Privacy Protection Act of 1994
20 must be redacted from any public materials. Following receipt
21 of the waiver or modification request, the State Board shall
22 have 45 days to review the application and request. If the
23 State Board fails to disapprove the application within that 45
24 day period, the waiver or modification shall be deemed granted.
25 The State Board may disapprove any request if it is not based
26 upon sound educational practices, endangers the health or

1 safety of students or staff, compromises equal opportunities
2 for learning, or fails to demonstrate that the intent of the
3 rule or mandate can be addressed in a more effective,
4 efficient, or economical manner or have improved student
5 performance as a primary goal. Any request disapproved by the
6 State Board may be appealed to the General Assembly by the
7 eligible applicant as outlined in this Section.

8 A request for a waiver from mandates contained in this
9 School Code shall be submitted to the State Board within 15
10 days after approval by the board or regional superintendent of
11 schools. The application as submitted to the State Board of
12 Education shall include a description of the public hearing.
13 The description shall include, but need not be limited to, the
14 means of notice, the number of people in attendance, the number
15 of people who spoke as proponents or opponents of the waiver, a
16 brief description of their comments, and whether there were any
17 written statements submitted. The State Board shall review the
18 applications and requests for completeness and shall compile
19 the requests in reports to be filed with the General Assembly.
20 The State Board shall file reports outlining the waivers
21 requested by eligible applicants and appeals by eligible
22 applicants of requests disapproved by the State Board with the
23 Senate and the House of Representatives before each March 1 and
24 October 1. The General Assembly may disapprove the report of
25 the State Board in whole or in part within 60 calendar days
26 after each house of the General Assembly next convenes after

1 the report is filed by adoption of a resolution by a record
2 vote of the majority of members elected in each house. If the
3 General Assembly fails to disapprove any waiver request or
4 appealed request within such 60 day period, the waiver or
5 modification shall be deemed granted. Any resolution adopted by
6 the General Assembly disapproving a report of the State Board
7 in whole or in part shall be binding on the State Board.

8 (e) An approved waiver or modification (except a waiver
9 from or modification to a physical education mandate) may
10 remain in effect for a period not to exceed 5 school years and
11 may be renewed upon application by the eligible applicant.
12 However, such waiver or modification may be changed within that
13 5-year period by a board or regional superintendent of schools
14 applying on behalf of schools or programs operated by the
15 regional office of education following the procedure as set
16 forth in this Section for the initial waiver or modification
17 request. If neither the State Board of Education nor the
18 General Assembly disapproves, the change is deemed granted.

19 An approved waiver from or modification to a physical
20 education mandate may remain in effect for a period not to
21 exceed 2 school years and may be renewed no more than 2 times
22 upon application by the eligible applicant. An approved waiver
23 from or modification to a physical education mandate may be
24 changed within the 2-year period by the board or regional
25 superintendent of schools, whichever is applicable, following
26 the procedure set forth in this Section for the initial waiver

1 or modification request. If neither the State Board of
2 Education nor the General Assembly disapproves, the change is
3 deemed granted.

4 (f) (Blank).

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

6 (105 ILCS 5/2-3.25h) (from Ch. 122, par. 2-3.25h)

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

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

23 (105 ILCS 5/10-10) (from Ch. 122, par. 10-10)

24 Sec. 10-10. Board of education; term; vacancy. All school

1 districts having a population of not fewer than 1,000 and not
2 more than 500,000 inhabitants, as ascertained by any special or
3 general census, and not governed by special Acts, shall be
4 governed by a board of education consisting of 7 members,
5 serving without compensation except as herein provided. Each
6 member shall be elected for a term of 4 years for the initial
7 members of the board of education of a combined school district
8 to which that subsection applies. If 5 members are elected in
9 1983 pursuant to the extension of terms provided by law for
10 transition to the consolidated election schedule under the
11 general election law, 2 of those members shall be elected to
12 serve terms of 2 years and 3 shall be elected to serve terms of
13 4 years; their successors shall serve for a 4 year term. When
14 the voters of a district have voted to elect members of the
15 board of education for 6 year terms, as provided in Section
16 9-5, the terms of office of members of the board of education
17 of that district expire when their successors assume office but
18 not later than 7 days after such election. If at the regular
19 school election held in the first odd-numbered year after the
20 determination to elect members for 6 year terms 2 members are
21 elected, they shall serve for a 6 year term; and of the members
22 elected at the next regular school election 3 shall serve for a
23 term of 6 years and 2 shall serve a term of 2 years. Thereafter
24 members elected in such districts shall be elected to a 6 year
25 term. If at the regular school election held in the first
26 odd-numbered year after the determination to elect members for

1 6 year terms 3 members are elected, they shall serve for a 6
2 year term; and of the members elected at the next regular
3 school election 2 shall serve for a term of 2 years and 2 shall
4 serve for a term of 6 years. Thereafter members elected in such
5 districts shall be elected to a 6 year term. If at the regular
6 school election held in the first odd-numbered year after the
7 determination to elect members for 6 year terms 4 members are
8 elected, 3 shall serve for a term of 6 years and one shall
9 serve for a term of 2 years; and of the members elected at the
10 next regular school election 2 shall serve for terms of 6 years
11 and 2 shall serve for terms of 2 years. Thereafter members
12 elected in such districts shall be elected to a 6 year term. If
13 at the regular school election held in the first odd-numbered
14 year after the determination to elect members for a 6 year term
15 5 members are elected, 3 shall serve for a term of 6 years and 2
16 shall serve for a term of 2 years; and of the members elected
17 at the next regular school election 2 shall serve for terms of
18 6 years and 2 shall serve for terms of 2 years. Thereafter
19 members elected in such districts shall be elected to a 6 year
20 term. An election for board members shall not be held in school
21 districts which by consolidation, annexation or otherwise
22 shall cease to exist as a school district within 6 months after
23 the election date, and the term of all board members which
24 would otherwise terminate shall be continued until such
25 district shall cease to exist. Each member, on the date of his
26 or her election, shall be a citizen of the United States of the

1 age of 18 years or over, shall be a resident of the State and
2 the territory of the district for at least one year immediately
3 preceding his or her election, shall be a registered voter as
4 provided in the general election law, shall not be a school
5 trustee, must not have been removed from a school board
6 pursuant to Section 2-3.25f-5 of this Code (unless subsequently
7 appointed as a member of an Independent Authority or if it has
8 been 10 years since the abolition of the Independent Authority
9 in the district), and shall not be a child sex offender as
10 defined in Section 11-9.3 of the Criminal Code of 2012. When
11 the board of education is the successor of the school
12 directors, all rights of property, and all rights regarding
13 causes of action existing or vested in such directors, shall
14 vest in it as fully as they were vested in the school
15 directors. Terms of members are subject to Section 2A-54 of the
16 Election Code.

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

1 the general election law.

2 Whenever a vacancy occurs, the remaining members shall
3 notify the regional superintendent of that vacancy within 5
4 days after its occurrence and shall proceed to fill the vacancy
5 until the next regular school election, at which election a
6 successor shall be elected to serve the remainder of the
7 unexpired term. However, if the vacancy occurs with less than
8 868 days remaining in the term, or if the vacancy occurs less
9 than 88 days before the next regularly scheduled election for
10 this office then the person so appointed shall serve the
11 remainder of the unexpired term, and no election to fill the
12 vacancy shall be held. Should they fail so to act, within 45
13 days after the vacancy occurs, the regional superintendent of
14 schools under whose supervision and control the district is
15 operating, as defined in Section 3-14.2 of this Act, shall
16 within 30 days after the remaining members have failed to fill
17 the vacancy, fill the vacancy as provided for herein. Upon the
18 regional superintendent's failure to fill the vacancy, the
19 vacancy shall be filled at the next regularly scheduled
20 election. Whether elected or appointed by the remaining members
21 or regional superintendent, the successor shall be an
22 inhabitant of the particular area from which his or her
23 predecessor was elected if the residential requirements
24 contained in Section 10-10.5 or 12-2 of this Code apply.

25 A board of education may appoint a student to the board to
26 serve in an advisory capacity. The student member shall serve

1 for a term as determined by the board. The board may not grant
2 the student member any voting privileges, but shall consider
3 the student member as an advisor. The student member may not
4 participate in or attend any executive session of the board.

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

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

8 (115 ILCS 5/2) (from Ch. 48, par. 1702)

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

10 (a) "Educational employer" or "employer" means the
11 governing body of a public school district, including the
12 governing body of a charter school established under Article
13 27A of the School Code or of a contract school or contract
14 turnaround school established under paragraph 30 of Section
15 34-18 of the School Code, combination of public school
16 districts, including the governing body of joint agreements of
17 any type formed by 2 or more school districts, public community
18 college district or State college or university, a
19 subcontractor of instructional services of a school district
20 (other than a school district organized under Article 34 of the
21 School Code), combination of school districts, charter school
22 established under Article 27A of the School Code, or contract
23 school or contract turnaround school established under
24 paragraph 30 of Section 34-18 of the School Code, an

1 Independent Authority created under Section 2-3.25f-5 of the
2 School Code, and any State agency whose major function is
3 providing educational services. "Educational employer" or
4 "employer" does not include (1) a Financial Oversight Panel
5 created pursuant to Section 1A-8 of the School Code due to a
6 district violating a financial plan or (2) an approved
7 nonpublic special education facility that contracts with a
8 school district or combination of school districts to provide
9 special education services pursuant to Section 14-7.02 of the
10 School Code, but does include a School Finance Authority
11 created under Article 1E or 1F of the School Code and a
12 Financial Oversight Panel created under Article 1B or 1H of the
13 School Code. The change made by this amendatory Act of the 96th
14 General Assembly to this paragraph (a) to make clear that the
15 governing body of a charter school is an "educational employer"
16 is declaratory of existing law.

17 (b) "Educational employee" or "employee" means any
18 individual, excluding supervisors, managerial, confidential,
19 short term employees, student, and part-time academic
20 employees of community colleges employed full or part time by
21 an educational employer, but shall not include elected
22 officials and appointees of the Governor with the advice and
23 consent of the Senate, firefighters as defined by subsection
24 (g-1) of Section 3 of the Illinois Public Labor Relations Act,
25 and peace officers employed by a State university. For the
26 purposes of this Act, part-time academic employees of community

1 colleges shall be defined as those employees who provide less
2 than 3 credit hours of instruction per academic semester. In
3 this subsection (b), the term "student" includes graduate
4 students who are research assistants primarily performing
5 duties that involve research or graduate assistants primarily
6 performing duties that are pre-professional, but excludes
7 graduate students who are teaching assistants primarily
8 performing duties that involve the delivery and support of
9 instruction and all other graduate assistants.

10 (c) "Employee organization" or "labor organization" means
11 an organization of any kind in which membership includes
12 educational employees, and which exists for the purpose, in
13 whole or in part, of dealing with employers concerning
14 grievances, employee-employer disputes, wages, rates of pay,
15 hours of employment, or conditions of work, but shall not
16 include any organization which practices discrimination in
17 membership because of race, color, creed, age, gender, national
18 origin or political affiliation.

19 (d) "Exclusive representative" means the labor
20 organization which has been designated by the Illinois
21 Educational Labor Relations Board as the representative of the
22 majority of educational employees in an appropriate unit, or
23 recognized by an educational employer prior to January 1, 1984
24 as the exclusive representative of the employees in an
25 appropriate unit or, after January 1, 1984, recognized by an
26 employer upon evidence that the employee organization has been

1 designated as the exclusive representative by a majority of the
2 employees in an appropriate unit.

3 (e) "Board" means the Illinois Educational Labor Relations
4 Board.

5 (f) "Regional Superintendent" means the regional
6 superintendent of schools provided for in Articles 3 and 3A of
7 The School Code.

8 (g) "Supervisor" means any individual having authority in
9 the interests of the employer to hire, transfer, suspend, lay
10 off, recall, promote, discharge, reward or discipline other
11 employees within the appropriate bargaining unit and adjust
12 their grievances, or to effectively recommend such action if
13 the exercise of such authority is not of a merely routine or
14 clerical nature but requires the use of independent judgment.
15 The term "supervisor" includes only those individuals who
16 devote a preponderance of their employment time to such
17 exercising authority.

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

20 (i) "Person" includes an individual, educational employee,
21 educational employer, legal representative, or employee
22 organization.

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

25 (k) "Professional employee" means, in the case of a public
26 community college, State college or university, State agency

1 whose major function is providing educational services, the
2 Illinois School for the Deaf, and the Illinois School for the
3 Visually Impaired, (1) any employee engaged in work (i)
4 predominantly intellectual and varied in character as opposed
5 to routine mental, manual, mechanical, or physical work; (ii)
6 involving the consistent exercise of discretion and judgment in
7 its performance; (iii) of such character that the output
8 produced or the result accomplished cannot be standardized in
9 relation to a given period of time; and (iv) requiring
10 knowledge of an advanced type in a field of science or learning
11 customarily acquired by a prolonged course of specialized
12 intellectual instruction and study in an institution of higher
13 learning or a hospital, as distinguished from a general
14 academic education or from an apprenticeship or from training
15 in the performance of routine mental, manual, or physical
16 processes; or (2) any employee, who (i) has completed the
17 courses of specialized intellectual instruction and study
18 described in clause (iv) of paragraph (1) of this subsection,
19 and (ii) is performing related work under the supervision of a
20 professional person to qualify himself or herself to become a
21 professional as defined in paragraph (1).

22 (1) "Professional employee" means, in the case of any
23 public school district, or combination of school districts
24 pursuant to joint agreement, any employee who has a certificate
25 issued under Article 21 or Section 34-83 of the School Code, as
26 now or hereafter amended.

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

3 (n) "Confidential employee" means an employee, who (i) in
4 the regular course of his or her duties, assists and acts in a
5 confidential capacity to persons who formulate, determine and
6 effectuate management policies with regard to labor relations
7 or who (ii) in the regular course of his or her duties has
8 access to information relating to the effectuation or review of
9 the employer's collective bargaining policies.

10 (o) "Managerial employee" means an individual who is
11 engaged predominantly in executive and management functions
12 and is charged with the responsibility of directing the
13 effectuation of such management policies and practices.

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

16 (q) "Short-term employee" is an employee who is employed
17 for less than 2 consecutive calendar quarters during a calendar
18 year and who does not have a reasonable expectation that he or
19 she will be rehired by the same employer for the same service
20 in a subsequent calendar year. Nothing in this subsection shall
21 affect the employee status of individuals who were covered by a
22 collective bargaining agreement on the effective date of this
23 amendatory Act of 1991.

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

25 (105 ILCS 5/3-14.28 rep.)

1 Section 10. The School Code is amended by repealing Section
2 3-14.28.

3 Section 99. Effective date. This Act takes effect upon
4 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.