



Sen. Heather A. Steans

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1 AMENDMENT TO SENATE BILL 2340

2 AMENDMENT NO. _____. Amend Senate Bill 2340 by replacing
3 everything after the enacting clause with the following:

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 Section 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

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

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

22 A school district that has one or more schools on academic
23 early warning or academic watch status shall prepare a revised
24 School Improvement Plan or amendments thereto setting forth the
25 district's expectations for removing each school from academic
26 early warning or academic watch status and for improving

1 student performance in the affected school or schools.
2 Districts operating under Article 34 of this Code may prepare
3 the School Improvement Plan required under Section 34-2.4 of
4 this Code.

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

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

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

1 under Article 34 of this Code).

2 A school on academic watch status that does not meet
3 adequate yearly progress criteria for a sixth annual
4 calculation shall implement its approved school restructuring
5 plan beginning with the next school year, subject to the State
6 interventions specified in Sections ~~Section~~ 2-3.25f and
7 2-3.25f-5 of this Code.

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

1 same subject or in their participation rate, attendance rate,
2 or graduation rate shall remain on academic watch status.
3 Districts on academic early warning or academic watch status
4 that meet adequate yearly progress criteria for one annual
5 calculation shall be considered as having met expectations and
6 shall be removed from any status designation.

7 A district placed on either academic early warning status
8 or academic watch status may appeal the status to the State
9 Board of Education in accordance with Section 2-3.25m of this
10 Code.

11 Districts on academic early warning or academic watch
12 status shall prepare a District Improvement Plan or amendments
13 thereto setting forth the district's expectations for removing
14 the district from academic early warning or academic watch
15 status and for improving student performance in the district.

16 All District Improvement Plans must be approved by the
17 school board.

18 (c) All revised School and District Improvement Plans shall
19 be developed in collaboration with parents, staff in the
20 affected school or school district, and outside experts. All
21 revised School and District Improvement Plans shall be
22 developed, submitted, and monitored pursuant to rules adopted
23 by the State Board of Education. The revised Improvement Plan
24 shall address measurable outcomes for improving student
25 performance so that such performance meets adequate yearly
26 progress criteria as specified by the State Board of Education.

1 All school districts required to revise a School Improvement
2 Plan in accordance with this Section shall establish a peer
3 review process for the evaluation of School Improvement Plans.

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

7 (e) The State Board of Education, from any moneys it may
8 have available for this purpose, must implement and administer
9 a grant program that provides 2-year grants to school districts
10 on the academic watch list and other school districts that have
11 the lowest achieving students, as determined by the State Board
12 of Education, to be used to improve student achievement. In
13 order to receive a grant under this program, a school district
14 must establish an accountability program. The accountability
15 program must involve the use of statewide testing standards and
16 local evaluation measures. A grant shall be automatically
17 renewed when achievement goals are met. The Board may adopt any
18 rules necessary to implement and administer this grant program.

19 (Source: P.A. 96-734, eff. 8-25-09.)

20 (105 ILCS 5/2-3.25f) (from Ch. 122, par. 2-3.25f)

21 Sec. 2-3.25f. State interventions.

22 (a) The State Board of Education shall provide technical
23 assistance to assist with the development and implementation of
24 School and District Improvement Plans.

25 Schools or school districts that fail to make reasonable

1 efforts to implement an approved Improvement Plan may suffer
2 loss of State funds by school district, attendance center, or
3 program as the State Board of Education deems appropriate.

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

6 (1) Dirksen Middle School in Dolton School District
7 149.

8 (2) Diekman Elementary School in Dolton School
9 District 149.

10 (3) Caroline Sibley Elementary School in Dolton School
11 District 149.

12 (4) Berger-Vandenberg Elementary School in Dolton
13 School District 149.

14 (5) Carol Moseley Braun School in Dolton School
15 District 149.

16 (6) New Beginnings Learning Academy in Dolton School
17 District 149.

18 (7) McKinley Junior High School in South Holland School
19 District 150.

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

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

24 (10) Eisenhower School in South Holland School
25 District 151.

26 (11) Madison School in South Holland School District

1 151.

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

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

4 (14) Memorial Junior High School in Lansing School
5 District 158.

6 (15) Oak Glen Elementary School in Lansing School
7 District 158.

8 (16) Lester Crawl Primary Center in Lansing School
9 District 158.

10 (17) Brookwood Junior High School in Brookwood School
11 District 167.

12 (18) Brookwood Middle School in Brookwood School
13 District 167.

14 (19) Hickory Bend Elementary School in Brookwood
15 School District 167.

16 (20) Medgar Evers Primary Academic Center in Ford
17 Heights School District 169.

18 (21) Nathan Hale Elementary School in Sunnybrook
19 School District 171.

20 (22) Ira F. Aldridge Elementary School in City of
21 Chicago School District 299.

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

24 If, after 2 years following its placement on academic watch
25 status, a school remains on academic watch status, then,
26 subject to federal appropriation money being available, the

1 State Board of Education shall allow the school board to opt in
2 the process of operating that school on a pilot full-year
3 school plan approved by the State Board of Education upon
4 expiration of its teachers' current collective bargaining
5 agreement until the expiration of the next collective
6 bargaining agreement. A school board must notify the State
7 Board of Education of its intent to opt in the process of
8 operating a school on a pilot full-year school plan.

9 (b) In addition, if after 3 years following its placement
10 on academic watch status a school district or school remains on
11 academic watch status, the State Board of Education may ~~shall~~
12 take ~~one of the following~~ actions for the district specified
13 under Section 2-3.25f-5 of this Code or ~~school: (1) The State~~
14 ~~Board of Education may authorize the State Superintendent of~~
15 ~~Education to direct the regional superintendent of schools to~~
16 ~~remove school board members pursuant to Section 3-14.28 of this~~
17 ~~Code. Prior to such direction the State Board of Education~~
18 ~~shall permit members of the local board of education to present~~
19 ~~written and oral comments to the State Board of Education. The~~
20 ~~State Board of Education may direct the State Superintendent of~~
21 ~~Education to appoint an Independent Authority that shall~~
22 ~~exercise such powers and duties as may be necessary to operate~~
23 ~~a school or school district for purposes of improving pupil~~
24 ~~performance and school improvement. The State Superintendent~~
25 ~~of Education shall designate one member of the Independent~~
26 ~~Authority to serve as chairman. The Independent Authority shall~~

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

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

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

21 (105 ILCS 5/2-3.25f-5 new)

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

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

24 (1) A fundamental goal of the people of this State, as
25 expressed in Section 1 of Article X of the Illinois

1 Constitution, is the educational development of all
2 persons to the limits of their capacities. When a school
3 board faces governance difficulties, continued operation
4 of the public school system is threatened.

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

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

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

24 (b) As used in this Section:

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

26 "Chairperson" means the Chairperson of the Independent

1 Authority.

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

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

5 "State Superintendent" means the State Superintendent of
6 Education.

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

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

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

22 Board members are entitled to be represented by counsel at
23 the hearing, but counsel must not be paid with district funds.

24 The State Board shall make a final decision on removal
25 immediately following the hearing or at its next regularly
26 scheduled or special meeting. In no event may the decision be

1 made later than the next regularly scheduled meeting.

2 The State Board shall issue a final written decision. If
3 the State Board directs the State Superintendent to remove the
4 board, the State Superintendent shall do so within 30 days
5 after the written decision. Following the removal of the board,
6 the State Superintendent shall establish an Independent
7 Authority pursuant to subsection (e) of this Section.

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

11 (d) The State Board shall require districts that have been
12 on academic watch status for 3 years or more and that are
13 within the lowest 5% in terms of performance in this State, as
14 determined by the State Superintendent, to seek accreditation
15 through a national accreditation organization chosen by the
16 State Board and paid for by the State. The State Board may
17 direct the State Superintendent to remove board members
18 pursuant to subsection (c) of this Section in any district in
19 which the district is unable to obtain accreditation in whole
20 or in part due to reasons related to school board governance.
21 When determining if a district has failed to meet the standards
22 for accreditation related to school board governance, the
23 accreditation entity shall take into account the overall
24 academic, fiscal, and operational condition of the district and
25 consider whether the board has failed to protect district
26 assets, to direct sound administrative and academic policy, to

1 abide by basic governance principles, including those set forth
2 in district policies, and to conduct itself with
3 professionalism and care and in a legally, ethically, and
4 financially responsible manner.

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

13 (f) Upon establishment of an Independent Authority under
14 subsection (e) of this Section, the State Superintendent shall,
15 within 30 working days thereafter, appoint 5 members to serve
16 on an Independent Authority for the district. Members appointed
17 to the Independent Authority shall serve at the pleasure of the
18 State Superintendent. The State Superintendent shall designate
19 one of the members of the Independent Authority to serve as its
20 chairperson. In the event of vacancy or resignation, the State
21 Superintendent shall, within 15 workings days after receiving
22 notice, appoint a successor to serve out that member's term. If
23 the State Board has abolished a financial oversight panel
24 pursuant to subsection (c) of this Section, the State
25 Superintendent may appoint former members of the panel to the
26 Independent Authority. These members may serve as part of the 5

1 members or may be appointed in addition to the 5 members, with
2 the Independent Authority not to exceed 9 members in total.

3 Members of the Independent Authority must be selected
4 primarily on the basis of their experience and knowledge in
5 education policy, with consideration given to persons
6 knowledgeable in the operation of a school district. A member
7 of the Independent Authority must be a registered voter as
8 provided in the general election law, must not be a school
9 trustee, and must not be a child sex offender as defined in
10 Section 11-9.3 of the Criminal Code of 2012. Two members of the
11 Independent Authority must be residents of the district that
12 the Independent Authority serves. A member of the Independent
13 Authority may not be an employee of the district, nor may a
14 member have a direct financial interest in the district.

15 Independent Authority members may be reimbursed by the
16 district for travel and other necessary expenses incurred in
17 the performance of their official duties. The amount reimbursed
18 members for their expenses must be charged to the school
19 district.

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

22 The first meeting of the Independent Authority must be held
23 at the call of the Chairperson. The Independent Authority shall
24 prescribe the times and places for its meetings and the manner
25 in which regular and special meetings may be called and shall
26 comply with the Open Meetings Act.

1 All Independent Authority members must complete the
2 training required of school board members under Section 10-16a
3 of this Code.

4 (g) The purpose of the Independent Authority is to operate
5 the district. The Independent Authority shall have all of the
6 powers and duties of a board and all other powers necessary to
7 meet its responsibilities and to carry out its purpose and the
8 purposes of this Section and that may be requisite or proper
9 for the maintenance, operation, and development of any school
10 or schools under the jurisdiction of the Independent Authority.
11 This grant of powers does not release an Independent Authority
12 from any duty imposed upon it by this Code or any other law.

13 The Independent Authority shall have no power to
14 unilaterally cancel or modify any collective bargaining
15 agreement in force upon the date of creation of the Independent
16 Authority.

17 (h) The Independent Authority may prepare and file with the
18 State Superintendent a proposal for emergency financial
19 assistance for the school district and for the operations
20 budget of the Independent Authority, in accordance with Section
21 1B-8 of this Code. A district may receive both a loan and a
22 grant.

23 (i) A district with an Independent Authority shall receive
24 its full general State aid payment, based on the foundation
25 level of support set forth in Section 18-8.05 of this Code of
26 \$6,119 or such greater amount as may be established by law by

1 the General Assembly. In the event that the General Assembly
2 does not appropriate sufficient funds to fully fund the general
3 State aid claims of all districts, a district with an
4 Independent Authority established pursuant to subsection (e)
5 of this Section shall get its claim fully funded. In the event
6 that the foundation level of support set forth in Section
7 18-8.05 of this Code is set below \$6,119, a district with an
8 Independent Authority established pursuant to subsection (e)
9 of this Section shall receive general State aid based on a
10 foundation level of support of \$6,119. When the Independent
11 Authority is abolished pursuant to subsection (m) of this
12 Section, the district shall receive general State aid payments
13 pursuant to Section 18-8.05 of this Code in the same manner as
14 all other districts.

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

1 Independent Authority. At the next school board election, 4
2 school board members must be elected to serve out terms of 4
3 years and until successors are elected and have qualified.
4 Following this election, any remaining Independent Authority
5 members shall serve in the district as an oversight panel until
6 such time as the district reaches full accreditation status.
7 The school board shall get approval of all actions by the
8 Independent Authority during the time the Independent
9 Authority serves as an oversight panel.

10 Board members who were removed pursuant to subsection (c)
11 of this Section are ineligible to run for school board in this
12 State. However, board members who were removed pursuant to
13 subsection (c) of this Section and were appointed to the
14 Independent Authority by the State Superintendent are eligible
15 to run for school board in the district.

16 (k) The Independent Authority, upon its members taking
17 office and annually thereafter and upon request, shall prepare
18 and submit to the State Superintendent a report on the state of
19 the district, including without limitation the academic
20 improvement and financial situation of the district. This
21 report must be submitted annually on or before March 1 of each
22 year.

23 (l) The district shall render such services to and permit
24 the use of its facilities and resources by the Independent
25 Authority at no charge as may be requested by the Independent
26 Authority. Any State agency, unit of local government, or

1 school district may, within its lawful powers and duties,
2 render such services to the Independent Authority as may be
3 requested by the Independent Authority.

4 (m) An Independent Authority must be abolished when the
5 district has achieved full accreditation status by a national
6 accreditation agency chosen by the State Board.

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

10 (n) The Independent Authority must be indemnified through
11 insurance purchased by the district. The district shall
12 purchase insurance through which the Independent Authority is
13 to be indemnified.

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

20 The insurance shall indemnify and protect districts,
21 Independent Authority members, employees, volunteer personnel
22 authorized in Sections 10-22.34, 10-22.34a, and 10-22.34b of
23 this Code, mentors of certified or licensed staff as authorized
24 in Article 21A and Sections 2-3.53a, 2-3.53b, and 34-18.33 of
25 this Code, and student teachers against civil rights damage
26 claims and suits, constitutional rights damage claims and

1 suits, and death and bodily injury and property damage claims
2 and suits, including defense thereof, when damages are sought
3 for negligent or wrongful acts alleged to have been committed
4 in the scope of employment, under the direction of the
5 Independent Authority, or related to any mentoring services
6 provided to certified or licensed staff of the district. Such
7 indemnification and protection shall extend to persons who were
8 members of an Independent Authority, employees of an
9 Independent Authority, authorized volunteer personnel, mentors
10 of certified or licensed staff, or student teachers at the time
11 of the incident from which a claim arises. No agent may be
12 afforded indemnification or protection unless he or she was a
13 member of an Independent Authority, an employee of an
14 Independent Authority, an authorized volunteer, a mentor of
15 certified or licenses staff, or a student teacher at the time
16 of the incident from which the claim arises.

17 (105 ILCS 5/2-3.25g) (from Ch. 122, par. 2-3.25g)

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

20 (a) In this Section:

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

24 "Eligible applicant" means a school district, joint
25 agreement made up of school districts, or regional

1 superintendent of schools on behalf of schools and programs
2 operated by the regional office of education.

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

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

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

1 data to be a significant factor in teacher or principal
2 evaluations or (ii) for teachers and principals to be rated
3 using the 4 categories of "excellent", "proficient", "needs
4 improvement", or "unsatisfactory". On the applicable
5 implementation date, any previously authorized waiver or
6 modification from such requirements shall terminate.

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

1 testimony from staff directly involved in its implementation,
2 parents, and students. The time period for such testimony shall
3 be separate from the time period established by the eligible
4 applicant for public comment on other matters. If the applicant
5 is a school district or joint agreement requesting a waiver or
6 modification of Section 27-6 of this Code, the public hearing
7 shall be held on a day other than the day on which a regular
8 meeting of the board is held.

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

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

1 hearing. The eligible applicant shall attest to compliance with
2 all of the notification and procedural requirements set forth
3 in this Section.

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

1 district, which list shall include the instructor's name,
2 personal identification number as required by the State Board
3 of Education, birth date, and driver's license number. If the
4 modification or waiver is granted, then the eligible applicant
5 shall notify the State Board of Education of any changes in the
6 personnel providing instruction within 15 calendar days after
7 an instructor leaves the program or a new instructor is hired.
8 Such notification shall include the instructor's name,
9 personal identification number as required by the State Board
10 of Education, birth date, and driver's license number. If a
11 school district maintains an Internet website, then the
12 district shall post a copy of the final contract between the
13 district and the commercial driver training school on the
14 district's Internet website. If no Internet website exists,
15 then the district shall make available the contract upon
16 request. A record of all materials in relation to the
17 application for contracting must be maintained by the school
18 district and made available to parents and guardians upon
19 request. The instructor's date of birth and driver's license
20 number and any other personally identifying information as
21 deemed by the federal Driver's Privacy Protection Act of 1994
22 must be redacted from any public materials. Following receipt
23 of the waiver or modification request, the State Board shall
24 have 45 days to review the application and request. If the
25 State Board fails to disapprove the application within that 45
26 day period, the waiver or modification shall be deemed granted.

1 The State Board may disapprove any request if it is not based
2 upon sound educational practices, endangers the health or
3 safety of students or staff, compromises equal opportunities
4 for learning, or fails to demonstrate that the intent of the
5 rule or mandate can be addressed in a more effective,
6 efficient, or economical manner or have improved student
7 performance as a primary goal. Any request disapproved by the
8 State Board may be appealed to the General Assembly by the
9 eligible applicant as outlined in this Section.

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

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

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

21 An approved waiver from or modification to a physical
22 education mandate may remain in effect for a period not to
23 exceed 2 school years and may be renewed no more than 2 times
24 upon application by the eligible applicant. An approved waiver
25 from or modification to a physical education mandate may be
26 changed within the 2-year period by the board or regional

1 superintendent of schools, whichever is applicable, following
2 the procedure set forth in this Section for the initial waiver
3 or modification request. If neither the State Board of
4 Education nor the General Assembly disapproves, the change is
5 deemed granted.

6 (f) (Blank).

7 (Source: P.A. 96-861, eff. 1-15-10; 96-1423, eff. 8-3-10;
8 97-1025, eff. 1-1-13.)

9 (105 ILCS 5/2-3.25h) (from Ch. 122, par. 2-3.25h)

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

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

1 (105 ILCS 5/10-10) (from Ch. 122, par. 10-10)

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

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

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

18 Nomination papers filed under this Section are not valid
19 unless the candidate named therein files with the secretary of
20 the board of education or with a person designated by the board
21 to receive nominating petitions a receipt from the county clerk
22 showing that the candidate has filed a statement of economic
23 interests as required by the Illinois Governmental Ethics Act.
24 Such receipt shall be so filed either previously during the
25 calendar year in which his nomination papers were filed or
26 within the period for the filing of nomination papers in

1 accordance with 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. 96-538, eff. 8-14-09; 97-1150, eff. 1-25-13.)

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.)

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."