



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

**HB2446**

by Rep. Dan Caulkins

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-21.4

from Ch. 122, par. 10-21.4

Amends the School Code. Provides that a school board shall, upon passage of a referendum after submission of a petition signed by no less than 5% of the school district's voters in the last consolidated election, or may, by resolution, enter into a joint agreement with other school boards to share the services of a superintendent or other administrator. Provides that any savings realized by sharing services must be divided equally between classroom needs and property tax relief. Provides that a school district wishing to withdraw from the joint agreement shall obtain from its school board a written resolution approving the withdrawal and shall present a petition for withdrawal to the other member school districts within the timelines designated by the joint agreement if the school district entered into the joint agreement by resolution. Provides that a school district wishing to withdraw from the joint agreement shall submit to the voters of the district the question of whether the school district shall withdraw from the joint agreement if the school district entered into the joint agreement by a referendum vote (also provides for a referendum upon submission of a petition).

LRB101 09287 AXK 54381 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by changing Section  
5 10-21.4 as follows:

6 (105 ILCS 5/10-21.4) (from Ch. 122, par. 10-21.4)

7 Sec. 10-21.4. Superintendent - Duties.

8 (a) Except in districts in which there is only one school  
9 with fewer than 4 teachers, to employ a superintendent or share  
10 the services of a superintendent as otherwise provided in this  
11 Section, who shall have charge of the administration of the  
12 schools under the direction of the board of education. However,  
13 in any school district that has boundaries that lie in 3  
14 counties, one county of which has a population exceeding  
15 1,000,000 inhabitants, that has an enrollment of more than  
16 35,000 students, and that has on staff properly licensed  
17 assistant superintendents or directors in the areas of  
18 instruction, finance, special education, assessments, and  
19 career and technology education, the school board may instead,  
20 by a vote of a majority of its full membership, appoint a chief  
21 executive officer to serve as its superintendent, who shall be  
22 a person of recognized administrative ability and management  
23 experience, hold a master's degree, have been employed with the

1 school district for a minimum of 5 years in an administrative  
2 capacity, be responsible for the management of the district,  
3 and have all other powers and duties of a superintendent as set  
4 forth in this Code, but who shall be exempt from the provisions  
5 and requirements of Section 21B-15 of this Code for a period of  
6 5 years.

7 (b) A school board shall, upon passage of a referendum as  
8 provided in subsection (c) after submission of a petition  
9 signed by no less than 5% of the school district's voters in  
10 the last consolidated election, or may, by resolution, enter  
11 into a joint agreement with other school boards to share the  
12 services of a superintendent or other administrator. Each  
13 school board involved in the joint agreement must agree to the  
14 joint agreement by resolution or by passage of a referendum,  
15 but not both. A school board is not required to enter into a  
16 joint agreement in the same manner as the other school boards  
17 in the agreement, as long as the school board agrees to the  
18 joint agreement by resolution or by passage of a referendum.  
19 The agreement must include the amount that each school board  
20 shall contribute to the salary of the superintendent or other  
21 administrator. The superintendent or other administrator may  
22 be employed by one school board, which shall be reimbursed on a  
23 mutually agreed-to basis with other school boards that are  
24 parties to the joint agreement. The joint agreement may be  
25 amended at any time as provided in the joint agreement or, if  
26 the joint agreement does not so provide, the agreement may be

1 amended at any time upon the adoption of a resolution (if the  
2 original joint agreement was entered into upon adoption of a  
3 resolution) or the passage of a referendum (if the original  
4 joint agreement was entered into upon passage of a referendum)  
5 in all member school districts. A fully executed copy of the  
6 joint agreement shall be filed with the State Board of  
7 Education. In the event 3 or more school boards decide to enter  
8 into a joint agreement and at least one school board submits a  
9 referendum under subsection (c) that does not pass, the  
10 agreement between the remaining school boards is still valid.

11 Any savings realized by sharing services under this  
12 subsection must be divided equally between classroom needs and  
13 property tax relief for the school district's residents.

14 (c) A petition to enter into a joint agreement under  
15 subsection (b) shall be filed with the applicable election  
16 authority, as defined in Section 1-3 of the Election Code, or,  
17 in the case of multiple election authorities, with the State  
18 Board of Elections no more than 10 months and no less than 3  
19 months prior to the election at which the question is to be  
20 submitted to the voters, and its validity shall be determined  
21 as provided by Article 28 of the Election Code. The election  
22 authority or Board, as applicable, shall certify the question  
23 and the proper election authority or authorities shall submit  
24 the question to the voters. Except as otherwise provided in  
25 this Section, this referendum shall be subject to all other  
26 general election law requirements. The proposition shall be in

1 substantially the following form:

2 Shall the (school district) enter into a joint  
3 agreement with (other school district or districts) to  
4 share the services of a (superintendent or other  
5 administrator)?

6 Votes shall be recorded as "Yes" or "No".

7 If a majority of all votes cast on the proposition are in  
8 favor of the proposition or the school board adopts a  
9 resolution in all affected school districts, the school boards  
10 shall enter into a joint agreement.

11 (d) A school district wishing to withdraw from a joint  
12 agreement under this Section shall obtain from its school board  
13 a written resolution approving the withdrawal if the school  
14 district entered into the joint agreement by resolution. The  
15 withdrawing school district must present a written petition for  
16 withdrawal from the joint agreement to the other member school  
17 districts within the timelines designated by the joint  
18 agreement. Upon approval of the petition by all of the  
19 remaining member school districts, the petitioning school  
20 district shall be withdrawn from the joint agreement effective  
21 the following July 1 and shall provide the State Board of  
22 Education written notification of the approved withdrawal.

23 (e) A school district wishing to withdraw from a joint  
24 agreement under this Section shall submit to the voters of the  
25 district at the next consolidated election the question of  
26 whether the school district shall withdraw from the joint

1 agreement if the school district entered into the joint  
2 agreement by a referendum vote. In addition, the question shall  
3 be submitted to the voters of the district at the next  
4 consolidated election upon submission of a petition signed by  
5 no less than 5% of the district's voters in the last  
6 consolidated election. The petition or other school board  
7 action shall be filed with the applicable election authority,  
8 as defined in Section 1-3 of the Election Code, or, in the case  
9 of multiple election authorities, with the State Board of  
10 Elections no more than 10 months and no less than 3 months  
11 prior to the election at which the question is to be submitted  
12 to the voters, and its validity shall be determined as provided  
13 by Article 28 of the Election Code. The election authority or  
14 Board, as applicable, shall certify the question and the proper  
15 election authority or authorities shall submit the question to  
16 the voters. Except as otherwise provided in this Section, this  
17 referendum shall be subject to all other general election law  
18 requirements. The proposition shall be in substantially the  
19 following form:

20 Shall the (school district) withdraw from the joint  
21 agreement with (other school district or districts) and  
22 cease sharing the services of a (superintendent or other  
23 administrator)?

24 Votes shall be recorded as "Yes" or "No".

25 If a majority of all votes cast on the proposition are in  
26 favor of the proposition, the school district shall be

1 withdrawn from the joint agreement effective the following July  
2 1 and shall provide the State Board of Education written  
3 notification of the approved withdrawal.

4 (f) In addition to the administrative duties, the  
5 superintendent shall make recommendations to the board  
6 concerning the budget, building plans, the locations of sites,  
7 the selection, retention and dismissal of teachers and all  
8 other employees, the selection of textbooks, instructional  
9 material and courses of study. However, in districts under a  
10 Financial Oversight Panel pursuant to Section 1A-8 for  
11 violating a financial plan, the duties and responsibilities of  
12 the superintendent in relation to the financial and business  
13 operations of the district shall be approved by the Panel. In  
14 the event the Board refuses or fails to follow a directive or  
15 comply with an information request of the Panel, the  
16 performance of those duties shall be subject to the direction  
17 of the Panel. The superintendent shall also notify the State  
18 Board of Education, the board and the chief administrative  
19 official, other than the alleged perpetrator himself, in the  
20 school where the alleged perpetrator serves, that any person  
21 who is employed in a school or otherwise comes into frequent  
22 contact with children in the school has been named as a  
23 perpetrator in an indicated report filed pursuant to the Abused  
24 and Neglected Child Reporting Act, approved June 26, 1975, as  
25 amended. The superintendent shall keep or cause to be kept the  
26 records and accounts as directed and required by the board, aid

1 in making reports required by the board, and perform such other  
2 duties as the board may delegate to him.

3 In addition, each year at a time designated by the State  
4 Superintendent of Education, each superintendent shall report  
5 to the State Board of Education the number of high school  
6 students in the district who are enrolled in accredited courses  
7 (for which high school credit will be awarded upon successful  
8 completion of the courses) at any community college, together  
9 with the name and number of the course or courses which each  
10 such student is taking.

11 (g) The provisions of this Section shall also apply to  
12 board of director districts.

13 (h) Notice of intent not to renew a contract must be given  
14 in writing stating the specific reason therefor by April 1 of  
15 the contract year unless the contract specifically provides  
16 otherwise. Failure to do so will automatically extend the  
17 contract for an additional year. Within 10 days after receipt  
18 of notice of intent not to renew a contract, the superintendent  
19 may request a closed session hearing on the dismissal. At the  
20 hearing the superintendent has the privilege of presenting  
21 evidence, witnesses and defenses on the grounds for dismissal.  
22 The provisions of this paragraph shall not apply to a district  
23 under a Financial Oversight Panel pursuant to Section 1A-8 for  
24 violating a financial plan.

25 (Source: P.A. 99-846, eff. 6-1-17.)