



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5408

by Rep. Thomas Morrison - Grant Wehrli - Amy Grant

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-21.4	from Ch. 122, par. 10-21.4
105 ILCS 5/10-23.8	from Ch. 122, par. 10-23.8

Amends the School Code. Provides that prior to entering into an early employment contract termination agreement with a district superintendent or chief executive officer, a school board shall make the reasoning for the early termination available to the public. Provides that the termination agreement shall not include a confidentiality or non-disclosure clause. Effective immediately.

LRB101 15235 NHT 64404 b

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by changing Sections
5 10-21.4 and 10-23.8 as follows:

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

7 Sec. 10-21.4. Superintendent; duties; contract
8 ~~Superintendent — Duties.~~

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

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

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

1 and Neglected Child Reporting Act, approved June 26, 1975, as
2 amended. The superintendent shall keep or cause to be kept the
3 records and accounts as directed and required by the board, aid
4 in making reports required by the board, and perform such other
5 duties as the board may delegate to him.

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

14 (c) The provisions of this Section shall also apply to
15 board of director districts.

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

1 violating a financial plan.

2 (e) Prior to entering into an early employment contract
3 termination agreement with a superintendent or chief executive
4 officer, a school board shall make the reasoning for the early
5 termination available to the public. The termination agreement
6 shall not include a confidentiality or non-disclosure clause.

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

8 (105 ILCS 5/10-23.8) (from Ch. 122, par. 10-23.8)

9 Sec. 10-23.8. Superintendent contracts. After the
10 effective date of this amendatory Act of 1997 and the
11 expiration of contracts in effect on the effective date of this
12 amendatory Act, school districts may only employ a
13 superintendent or, if authorized by law, a chief executive
14 officer under either a contract for a period not exceeding one
15 year or a performance-based contract for a period not exceeding
16 5 years.

17 Performance-based contracts shall be linked to student
18 performance and academic improvement within the schools of the
19 districts. No performance-based contract shall be extended or
20 rolled-over prior to its scheduled expiration unless all the
21 performance and improvement goals contained in the contract
22 have been met. Each performance-based contract shall include
23 the goals and indicators of student performance and academic
24 improvement determined and used by the local school board to
25 measure the performance and effectiveness of the

1 superintendent and such other information as the local school
2 board may determine.

3 By accepting the terms of a multi-year contract, the
4 superintendent or chief executive officer waives all rights
5 granted him or her under Sections 24-11 through 24-16 of this
6 Act only for the term of the multi-year contract. Upon
7 acceptance of a multi-year contract, the superintendent or
8 chief executive officer shall not lose any previously acquired
9 tenure credit with the district.

10 A school board may, subject to the requirements under
11 subsection (e) of Section 10-21.4 of this Code, enter into an
12 early employment contract termination agreement with a
13 superintendent or chief executive officer who has a contract
14 with a school district under this Section.

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

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.